

**House Study Bill 517 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_

BY (PROPOSED GOVERNOR'S BILL)

**A BILL FOR**

1 An Act relating to programs and activities under the purview of  
2 the department of education, the state board of education,  
3 the board of educational examiners, school districts,  
4 and accredited nonpublic schools; and providing for the  
5 retention of certain fees and for the use of certain funds.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

COMPETENCY-BASED INSTRUCTION

Section 1. Section 256.7, subsection 26, paragraph a, Code Supplement 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (02) The rules shall allow a school district or accredited nonpublic school to award high school credit to a student upon the demonstration of required competencies for a course or content area, as approved by an appropriately licensed teacher. The school district or accredited nonpublic school shall determine the assessment methods by which a student demonstrates sufficient evidence of the required competencies.

Sec. 2. Section 256.11, subsection 5, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~In grades nine through twelve, a unit of credit consists of a course or equivalent related components or partial units taught throughout the academic year.~~ The minimum program to be offered and taught for grades nine through twelve is:

Sec. 3. Section 256.11, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. a. As used in subsection 5, "unit" means a course which meets one of the following criteria:

(1) The course is taught for at least two hundred minutes per week for thirty-six weeks.

(2) The course is taught for the equivalent of one hundred twenty hours of instruction.

b. A student shall receive a unit of credit or a partial unit of credit upon successful completion of a course which meets one of the criteria in paragraph "a" or related components equivalent to a course which meets one of the criteria in paragraph "a". A partial unit of credit shall be calculated in a manner consistent with this subsection. A student may receive credit on a performance basis through the administration of an assessment, provided the assessment covers

1 the competencies ordinarily included in the regular course.

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DIVISION II

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CORE CURRICULUM FRAMEWORK AND CORE CONTENT STANDARDS

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Sec. 4. Section 256.7, subsection 26, paragraph a, Code Supplement 2011, is amended to read as follows:

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6 a. Adopt rules that establish a core curriculum and high  
7 school graduation requirements for all students in school  
8 districts and accredited nonpublic schools that include at a  
9 minimum satisfactory completion of four years of English and  
10 language arts, three years of mathematics, three years of  
11 science, and three years of social studies.

12

(1) The rules establishing high school graduation  
13 requirements shall authorize a school district or  
14 accredited nonpublic school to consider that any student who  
15 satisfactorily completes a high school-level unit ~~of English~~  
16 ~~or language arts, mathematics, science, or social studies~~ has  
17 satisfactorily completed a unit of the high school graduation  
18 requirements for that area as specified in this lettered  
19 paragraph "a", and shall authorize the school district or  
20 accredited nonpublic school to issue high school credit for the  
21 unit to the student.

22

(2) The rules establishing a core curriculum shall address  
23 the core content standards in subsection 28 and the skills and  
24 knowledge students need to be successful in the twenty-first  
25 century. The core curriculum shall include, including but not  
26 limited to English and language arts, mathematics, science,  
27 social studies and twenty-first century learning skills which  
28 include but are not limited to, music and other fine arts,  
29 applied arts, foreign languages, physical education, character  
30 education, entrepreneurship education, civic literacy,  
31 health literacy, technology literacy, financial literacy, and  
32 employability skills; and shall address the curricular needs of  
33 students in kindergarten through grade twelve in those areas.  
34 The department shall further define the twenty-first century  
35 learning skills components by rule.

1     Sec. 5. Section 256.9, Code Supplement 2011, is amended by  
2 adding the following new subsections:

3     NEW SUBSECTION. 62. Appoint members to the core curriculum  
4 framework and core content standards advisory council  
5 established in section 256.41. The director may establish  
6 objectives for the council in accordance with section 256.41.

7     NEW SUBSECTION. 63. *a.* Create and disseminate to school  
8 districts, charter schools, and accredited nonpublic schools  
9 a model curriculum that is directly tied to the goals,  
10 outcomes, and assessment strategies identified in the core  
11 content standards. The model curriculum shall identify a  
12 developmentally appropriate scope and sequence of instruction  
13 applicable to the core content standards, instructional  
14 material resources, and teaching and assessment strategies.  
15 The model curriculum shall provide guidance to school districts  
16 and schools and expand on the core content standards. The  
17 model curriculum shall be modified as necessary to incorporate  
18 the core curriculum framework developed pursuant to paragraph  
19 "b".

20     *b.* Develop by July 1, 2015, a core curriculum framework  
21 aligned to the core curriculum standards established pursuant  
22 to section 256.7, subsection 26.

23     Sec. 6. NEW SECTION. **256.41 Core curriculum framework and**  
24 **core content standards advisory council.**

25     1. A core curriculum framework and core content standards  
26 advisory council is established under the department.

27     2. The advisory council shall consist of no less than seven  
28 members appointed by the director in accordance with sections  
29 69.16, 69.16A, and 69.16C. Members shall serve at the pleasure  
30 of the director.

31     3. The department is the primary agency responsible for  
32 providing administrative personnel and services for the  
33 advisory council.

34     4. Members shall elect a chair annually and other officers  
35 as the members determine. Members shall establish rules of

1 procedure for the advisory council.

2 5. The advisory council shall meet at least quarterly and at  
3 the call of the chair.

4 6. Members of the advisory council shall serve without  
5 compensation but may be reimbursed for actual expenses incurred  
6 in the performance of their duties.

7 7. The advisory council shall review the core curriculum,  
8 the core content standards, and the model curriculum adopted  
9 pursuant to section 256.7, subsections 26, 28, and 63 upon  
10 request of the director and make recommendations to the  
11 director regarding a core curriculum framework and any  
12 necessary changes to the core curriculum content standards and  
13 model curriculum. In making recommendations, the advisory  
14 council shall seek to further the goals of the core content  
15 standards and any objectives established by the director.

16 DIVISION III

17 PARENT ADVOCACY NETWORK

18 Sec. 7. Section 256.9, Code Supplement 2011, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 66. Establish a statewide parent  
21 advocacy network to create an integrated, accessible set of  
22 community-wide resources to support learning and development  
23 by July 1, 2013. The statewide parent advocacy network shall  
24 include at least one parent representative from each school  
25 district in the state. The director shall coordinate with the  
26 board of directors of each public school district to facilitate  
27 the establishment and maintenance of the statewide parent  
28 advocacy network.

29 Sec. 8. NEW SECTION. 279.68 **Statewide parent advocacy**  
30 **network.**

31 The board of directors of each public school district shall  
32 coordinate with the director of the department of education to  
33 facilitate the establishment and maintenance of a statewide  
34 parent advocacy network pursuant to section 256.9, subsection  
35 66. The board of directors of each public school district

1 shall assist the director of the department of education in  
2 identifying at least one representative from each school  
3 district in the state to serve on the statewide parent advocacy  
4 network.

5 DIVISION IV

6 TEACHER AND ADMINISTRATOR PERFORMANCE

7 Sec. 9. Section 256.7, Code Supplement 2011, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 31. *a.* By January 1, 2013, adopt rules  
10 establishing Iowa teaching and administration standards  
11 that are aligned with best practices and nationally accepted  
12 standards.

13 *b.* By July 1, 2013, adopt by rule statewide teacher  
14 evaluation system and statewide administrator evaluation system  
15 pilot programs which shall be implemented during the 2013-2014  
16 school year. This paragraph is repealed July 1, 2015.

17 Sec. 10. Section 256.9, Code Supplement 2011, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 64. *a.* Develop a statewide teacher  
20 evaluation system and a statewide administrator evaluation  
21 system that school districts, charter schools, and accredited  
22 nonpublic schools shall use to standardize the instruments  
23 and processes used to evaluate teachers and administrators  
24 throughout the state.

25 *b.* The components of the statewide teacher evaluation system  
26 shall include but not be limited to the following:

27 (1) Direct observation of classroom teaching behaviors.

28 (2) Strong consideration of student outcome measures, when  
29 available for tested subjects and grades, to validate direct  
30 observation of classroom teaching behaviors.

31 (3) Integration of the Iowa teaching standards.

32 (4) System applicability to teachers in all content areas  
33 taught in a school.

34 Sec. 11. Section 284.3, Code 2011, is amended by adding the  
35 following new subsection:

1 NEW SUBSECTION. 4. This section is repealed July 1, 2013.

2 Sec. 12. Section 284.4, subsection 1, paragraph e, Code  
3 2011, is amended to read as follows:

4 e. (1) Adopt a teacher evaluation plan that, at minimum,  
5 requires a an annual performance review of teachers in the  
6 district ~~at least once every three years~~ based upon the Iowa  
7 teaching standards and individual professional development  
8 plans in accordance with section 284.8, and requires  
9 administrators to complete evaluator training in accordance  
10 with section 284.10.

11 (2) Adopt, by July 1, 2014, the statewide teacher evaluation  
12 system developed pursuant to section 256.9, subsection 64.  
13 However, the school district may develop and submit to the  
14 department for approval an alternative teacher evaluation  
15 system that meets local and state educational goals. In lieu  
16 of the statewide teacher evaluation system, the school district  
17 may adopt and implement the alternative teacher evaluation  
18 system upon receiving approval from the department.

19 Sec. 13. Section 284.8, subsections 1 and 2, Code 2011, are  
20 amended to read as follows:

21 1. A school district shall provide for an annual  
22 review a of each teacher's performance ~~at least once every~~  
23 ~~three years~~ for purposes of assisting teachers in making  
24 continuous improvement, documenting continued competence in  
25 the Iowa teaching standards, identifying teachers in need of  
26 improvement, or to determine whether the teacher's practice  
27 meets school district expectations for career advancement in  
28 accordance with section 284.7. The review shall be conducted  
29 by at least one evaluator certified in accordance with section  
30 284.10, and shall include, at minimum, classroom observation  
31 of the teacher, the teacher's progress, and implementation of  
32 the teacher's individual professional development plan, subject  
33 to the level of resources provided to implement the plan; and  
34 shall include supporting documentation from parents, students,  
35 and other teachers.

1     2. If, as a result of a review conducted pursuant to  
2 subsection 1, a supervisor or an evaluator determines, ~~at any~~  
3 ~~time, as a result of a teacher's performance that the a~~ teacher  
4 is not meeting district expectations under the Iowa teaching  
5 standards ~~specified in section 284.3, subsection 1, paragraphs~~  
6 ~~"a" through "h"~~ established by the state board by rule, the  
7 criteria for the Iowa teaching standards developed by the  
8 department in accordance with section 256.9, subsection 46, and  
9 any other standards or criteria established in the collective  
10 bargaining agreement, the evaluator shall, at the direction of  
11 the teacher's supervisor, recommend to the district that the  
12 teacher participate in an intensive assistance program. The  
13 intensive assistance program and its implementation are subject  
14 to negotiation and grievance procedures established pursuant to  
15 chapter 20. All school districts shall be prepared to offer an  
16 intensive assistance program.

17     Sec. 14. Section 284A.7, Code 2011, is amended to read as  
18 follows:

19     **284A.7 Evaluation requirements for administrators.**

20     1. A school district shall conduct an annual evaluation  
21 of an administrator who holds a professional administrator  
22 license issued under ~~chapter 272 at least once every three~~  
23 years chapter 256 for purposes of assisting the administrator  
24 in making continuous improvement, documenting continued  
25 competence in the Iowa standards for school administrators  
26 adopted pursuant to section 256.7, subsection 27, or to  
27 determine whether the administrator's practice meets school  
28 district expectations. The review shall include, at a minimum,  
29 an assessment of the administrator's competence in meeting  
30 the Iowa standards for school administrators and the goals of  
31 the administrator's individual professional development plan,  
32 including supporting documentation or artifacts aligned to the  
33 Iowa standards for school administrators and the individual  
34 administrator's professional development plan.

35     2. Adopt the statewide administrator evaluation system

1 developed pursuant to section 256.9, subsection 64. However,  
2 the school district may develop and submit to the department  
3 for approval an alternative administrator evaluation system  
4 that meets local and state educational goals. In lieu of  
5 the statewide administrator evaluation system, the school  
6 district may adopt and implement the alternative administrator  
7 evaluation system upon receiving approval from the department.

8       Sec. 15. STATEWIDE EDUCATOR EVALUATION SYSTEM TASK  
9 FORCE. The director of the department of education shall  
10 appoint, and provide staffing services for, a task force to  
11 conduct a study regarding a statewide teacher evaluation  
12 system and a statewide administrator evaluation system. The  
13 study of a statewide teacher evaluation system shall include a  
14 review of student outcome measures described in section 256.9,  
15 subsection 64, paragraph "b", subparagraph (2). To the extent  
16 possible, appointments shall be made to provide geographical  
17 area representation and to comply with sections 69.16, 69.16A,  
18 and 69.16C. The task force, at a minimum, shall include in its  
19 recommendations and proposal a tiered evaluation system that  
20 differentiates ineffective, minimally effective, effective, and  
21 highly effective performance by teachers and administrators.  
22 The task force shall submit its findings, recommendations, and  
23 a proposal for each system to the state board of education by  
24 October 15, 2012.

25       Sec. 16. TEACHER PERFORMANCE, COMPENSATION, AND CAREER  
26 DEVELOPMENT TASK FORCE.

27       1. The director of the department of education shall  
28 appoint, and provide staffing services for, a teacher  
29 performance, compensation, and career development task force  
30 to develop recommendations for a new teacher compensation  
31 system to replace the current teacher compensation system which  
32 addresses, at a minimum, the following:

33       a. The duties and responsibilities of apprentice, career,  
34 mentor, and master teachers.

35       b. Utilizing retired teachers as mentors.

1 c. Strategic and meaningful uses of finite resources and the  
2 realignment of resources currently available.

3 d. Mechanisms to substantially increase the average salary  
4 of teachers who assume leadership roles within the profession.

5 e. Standardizing implementation of task force  
6 recommendations in all of Iowa's school districts and public  
7 charter schools.

8 2. The director of the department of education shall appoint  
9 and provide staffing services for a task force whose members  
10 shall represent teachers, parents, school administrators,  
11 and business and community leaders. Insofar as practicable,  
12 appointments shall be made to provide geographical area  
13 representation and to comply with sections 69.16, 69.16A, and  
14 69.16C.

15 3. The state board of education shall consider the findings  
16 and recommendations of the task force when adopting rules  
17 establishing Iowa teaching standards pursuant to this Act.

18 4. The task force shall submit its findings and  
19 recommendations in a report to the state board of education,  
20 the governor, and the general assembly by October 15, 2012.

21 Sec. 17. REPEAL. Section 284.14A, Code 2011, is repealed.

22 Sec. 18. EFFECTIVE UPON ENACTMENT. The sections of  
23 this division of this Act providing for the appointment of  
24 the statewide educator evaluation system task force and the  
25 appointment of the teacher performance, compensation, and  
26 career development task force, being deemed of immediate  
27 importance, take effect upon enactment.

28 DIVISION V

29 INNOVATION ACCELERATION PROGRAM — FUND

30 Sec. 19. NEW SECTION. 256.65 Innovation acceleration  
31 program — fund.

32 1. An innovation acceleration program is established  
33 in the department to be administered by the department to  
34 provide competitive grants to applicants with a record of  
35 improving student achievement and educational attainment in

1 order to expand the implementation of, and investment in,  
2 innovative practices that are demonstrated to have an impact  
3 on improving student achievement or student growth, closing  
4 achievement gaps, decreasing dropout rates, increasing parental  
5 involvement, increasing attendance rates, increasing high  
6 school graduation rates, or increasing college and career  
7 program enrollment and completion rates. The state board shall  
8 adopt rules relating to applicant eligibility, application  
9 procedures, and awarding of grants.

10 2. The program shall be designed to enable grantees to  
11 accomplish all of the following:

12 a. Expand and develop innovative practices that can serve as  
13 models of best practices.

14 b. Work in partnership with the private sector,  
15 community-based organizations, and the philanthropic community.

16 c. Identify and document best practices that can be shared  
17 and expanded based on demonstrated success.

18 3. An innovation acceleration fund is created in the state  
19 treasury under the control of the department. The fund shall  
20 be administered by the director and shall consist of all moneys  
21 deposited in the fund, including any moneys appropriated by the  
22 general assembly and any other moneys available to and obtained  
23 or accepted by the department from local, state, federal, or  
24 private sources for purposes of the innovation acceleration  
25 program. Notwithstanding section 8.33, moneys in the fund at  
26 the end of a fiscal year shall not revert to the general fund  
27 of the state. Notwithstanding section 12C.7, subsection 2,  
28 interest or earnings on moneys in the fund shall be credited  
29 to the fund.

30 DIVISION VI

31 ONLINE LEARNING

32 Sec. 20. Section 256.7, subsection 8, Code Supplement 2011,  
33 is amended by striking the subsection and inserting in lieu  
34 thereof the following:

35 8. Adopt rules providing for the establishment of an online

1 learning program model. For purposes of this section and  
2 sections 256.9 and 256.27, "online learning" means educational  
3 instruction and content which is delivered primarily over the  
4 internet. "Online learning" does not include printed-based  
5 correspondence education, broadcast television or radio,  
6 videocassettes, or stand-alone educational software programs  
7 that do not have a significant internet-based instructional  
8 component.

9 Sec. 21. Section 256.9, Code Supplement 2011, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 65. a. Develop and establish an online  
12 learning program model in accordance with rules adopted  
13 pursuant to section 256.7, subsection 8.

14 b. Grant a waiver to school districts, charter schools,  
15 and accredited nonpublic schools that implement an online  
16 learning program aligned with the program model developed and  
17 established pursuant to this subsection. A school district or  
18 school seeking a waiver pursuant to this paragraph shall submit  
19 a plan for an online learning program to the director for  
20 approval. A school district or school whose online learning  
21 program plan is approved by the director may be granted a  
22 waiver only for purposes of implementing the approved online  
23 learning program. The standards that may be waived pursuant to  
24 this paragraph are as follows:

25 (1) The minimum number of instructional days required  
26 pursuant to section 279.10, subsection 1, and the minimum  
27 number of instructional hours required pursuant to section  
28 256.7, subsection 19. Notwithstanding any provision to the  
29 contrary, the waiver may exempt school districts and schools  
30 from any statutory requirement that students be physically  
31 present in a school building and under the guidance and  
32 instruction of the instructional professional staff employed by  
33 the school district or the school except as necessary under the  
34 rules adopted pursuant to section 256.7, subsection 8.

35 (2) Any statutory requirement that a subject being studied

1 by a student enrolled in an approved online learning program be  
2 a subject that is offered and taught by the professional staff  
3 of the school district or school.

4 *c.* Require that the school district or school granted a  
5 waiver pursuant to paragraph "b" implement and incorporate  
6 into its comprehensive school improvement plan required under  
7 section 256.7, subsection 21, accountability measures designed  
8 to demonstrate that academic credit is awarded based upon  
9 successful completion of content or achievement of competencies  
10 by students enrolled in the approved online learning program.

11 *d.* Establish criteria for school districts or schools to  
12 use when choosing providers of online learning to meet the  
13 online learning program requirements specified in rules adopted  
14 pursuant to section 256.7, subsection 8.

15 **Sec. 22. NEW SECTION. 256.27 Online learning program model.**

16 1. *Online learning program model established.* The director,  
17 pursuant to section 256.9, subsection 65, shall establish an  
18 online learning program model that provides for the following:

19 *a.* Online access to high-quality content, instructional  
20 materials, and blended learning.

21 *b.* Coursework customized to the needs of the student using  
22 online content.

23 *c.* A means for a student to demonstrate competency in  
24 completed online coursework.

25 *d.* High-quality online instruction taught by appropriately  
26 licensed teachers.

27 *e.* Online content and instruction evaluated on the basis of  
28 student learning outcomes.

29 *f.* Use of funds available for online learning for program  
30 development, implementation, and innovation.

31 *g.* Infrastructure that supports online learning.

32 *h.* Online administration of online course assessments.

33 2. *Online learning program waiver application.* A school  
34 district, charter school, or accredited nonpublic school may  
35 apply to the department for a waiver to implement an online

1 learning program pursuant to section 256.9, subsection 65.

2 3. *Private providers.* At the discretion of the school board  
3 or authorities in charge of an accredited nonpublic school,  
4 after consideration of circumstances created by necessity,  
5 convenience, and cost-effectiveness, courses developed by  
6 private providers may be utilized by the school district or  
7 school in implementing a high-quality online learning program.  
8 Courses obtained from private providers shall be taught by  
9 teachers licensed under this chapter.

10 4. *Grading.* Grades in online courses shall be based,  
11 at a minimum, on whether a student mastered the subject,  
12 demonstrated competency, and met the standards established  
13 by the school district. Grades shall be conferred by  
14 appropriately licensed teachers only.

15 5. *Accreditation criteria.* All online courses and programs  
16 shall meet existing accreditation standards.

17 Sec. 23. Section 256.33, subsection 1, Code 2011, is amended  
18 to read as follows:

19 1. The department shall consort with school districts,  
20 area education agencies, community colleges, and colleges  
21 and universities ~~to provide assistance to them~~ in the use  
22 of educational technology for instruction purposes. The  
23 department shall consult with the advisory committee on  
24 telecommunications, established in section 256.7, subsection 7,  
25 and other users of educational technology on the development  
26 and operation of programs under this section, section 256.9,  
27 subsection 65, and section 256.27.

28 DIVISION VII

29 EDUCATIONAL STANDARDS EXEMPTIONS

30 Sec. 24. Section 256.11, subsection 8, Code 2011, is amended  
31 to read as follows:

32 8. *a.* Upon request of the ~~board of directors of a public~~  
33 ~~school district or the~~ authorities in charge of a nonpublic  
34 school, the director may, for a number of years to be specified  
35 by the director, grant the ~~district board or the~~ authorities

1 in charge of the nonpublic school exemption from one or more  
2 of the requirements of the educational program specified in  
3 subsection 5. The exemption may be renewed. Exemptions  
4 shall be granted only if the director deems that the request  
5 made is an essential part of a planned innovative curriculum  
6 project which the director determines will adequately meet  
7 the educational needs and interests of the pupils and be  
8 broadly consistent with the intent of the educational program  
9 as defined in subsection 5. The request for exemption shall  
10 include all of the following:

11 ~~a.~~ (1) Rationale of the project to include supportive  
12 research evidence.

13 ~~b.~~ (2) Objectives of the project.

14 ~~c.~~ (3) Provisions for administration and conduct of the  
15 project, including the use of personnel, facilities, time,  
16 techniques, and activities.

17 ~~d.~~ (4) Plans for evaluation of the project by testing  
18 and observational measures of pupil progress in reaching the  
19 objectives.

20 ~~e.~~ (5) Plans for revisions of the project based on  
21 evaluation measures.

22 ~~f.~~ (6) Plans for periodic reports to the department.

23 ~~g.~~ (7) The estimated cost of the project.

24 b. Upon request of the board of directors of a public  
25 school district, the director may, for a number of years to be  
26 specified by the director, grant the district board exemption  
27 from one or more of the requirements of the educational program  
28 specified in this section if the school district complies with  
29 the requirements set forth in section 256F.4, subsection 2,  
30 paragraphs "a" through "m", the request for exemption includes  
31 the components specified in paragraph "a", subparagraphs (1)  
32 through (7), and the director deems that the request made is an  
33 essential part of a planned innovative curriculum project which  
34 the director determines will adequately meet the educational  
35 needs and interests of the pupils and be broadly consistent

1 with the intent of the educational program as defined in this  
2 section.

3 c. The director shall submit a report by February 1,  
4 annually, to the state board, the governor, and the general  
5 assembly that lists all of the exemptions granted pursuant to  
6 this subsection and the reasons for which each exemption was  
7 granted by the director.

8 DIVISION VIII

9 EDUCATOR IDENTIFIER SYSTEM AND EDUCATION

10 PLACEMENT CLEARINGHOUSE

11 Sec. 25. NEW SECTION. 256.28 Educator identifier system and  
12 education placement clearinghouse.

13 1. For purposes of this section, unless the context  
14 otherwise requires:

15 a. "Educator" means a teacher or principal.

16 b. "Principal" means the same as defined in section 256.100,  
17 subsection 10.

18 c. "Teacher" means the same as defined in section 256.100,  
19 subsection 17.

20 2. Subject to an appropriation of sufficient funds by the  
21 general assembly, there is established within the department  
22 an educator identifier system and an education placement  
23 clearinghouse for use by all educators and potential educators  
24 and by Iowa's school districts, area education agencies,  
25 charter schools, and accredited nonpublic schools.

26 3. The educator identifier system shall be designed for the  
27 purposes of providing information for the following uses:

28 a. Studying teacher shortage areas and identifying any  
29 possible solutions.

30 b. Studying practitioner preparation programs, educator  
31 professional development programs, and educator mobility and  
32 retention issues.

33 c. Improving teaching and student learning, including the  
34 use of data to recognize, reward, and develop the careers of  
35 individual educators.

1     *d.* Collecting data for use in developing a longitudinal data  
2 system that may be used with the educator identifier system to  
3 match educators to students.

4     *e.* Allowing the state to gather baseline data about the  
5 distribution of highly qualified teachers, including the number  
6 and percent of teachers employed in schools in the state with  
7 the highest-poverty and lowest-poverty levels, and to take  
8 actions to address any inequities in the distribution of highly  
9 qualified teachers throughout the state.

10    *f.* Enabling teachers to enhance student instruction through  
11 the use of performance and longitudinal growth data.

12     4. A person who applies for or holds a license issued under  
13 chapter 256 shall be assigned a unique identifier under the  
14 educator identifier system.

15     5. The unique identifier shall not use any personal  
16 identifying information, such as social security numbers or  
17 contact information, except for alignment purposes in data  
18 processing. Any such personal identifying information that  
19 is collected for alignment purposes shall be maintained in a  
20 secure data location so data sets can be matched based on the  
21 personal identifying information when the identifier is not  
22 included.

23     6. The educator identifier system shall include, at a  
24 minimum, all of the following protections for educators, school  
25 districts, area education agencies, charter schools, and  
26 practitioner preparation programs:

27     *a.* The use of information that a school district, area  
28 education agency, or charter school obtains from any other  
29 source shall not be restricted by the provisions of this  
30 subsection.

31     *b.* This subsection does not restrict the authority of a  
32 school district, area education agency, or charter school to  
33 do any of the following:

34       (1) Assign individual educators to specific grades, levels,  
35 programs, or schools.

1 (2) Direct the professional development of individual  
2 educators.

3 (3) Collaboratively design and develop, with representation  
4 from the teachers and principals employed by the school  
5 district, area education agency, and charter school,  
6 alternative compensation plans through the procedures adopted  
7 by the school district, area education agency, or charter  
8 school for setting educator compensation.

9 c. The director, after consultation with practitioner  
10 preparation programs, shall establish protocols for the release  
11 of system data relating to graduates to their respective  
12 practitioner preparation programs for the purpose of program  
13 evaluation. Protocols shall comply with all federal laws.

14 d. The department may use system data to preliminarily  
15 identify practices that show promise of improving student  
16 outcomes or educator performance, if the practices are verified  
17 by additional evidence.

18 e. The system shall comply with all state and federal  
19 privacy laws in order to ensure the confidentiality and  
20 appropriate uses of information included in the system.  
21 Aggregate, nonidentifying information obtained from the  
22 system shall be made available at multiple levels, including  
23 state, school district, area education agency, charter school,  
24 practitioner preparation program, nongovernmental entity,  
25 and individual levels, through varying degrees of access, as  
26 designated by the director.

27 7. Notwithstanding any provisions of this section to the  
28 contrary, a school district, charter school, or area education  
29 agency may use the system to merge, manage, or access any  
30 information that it is otherwise authorized to obtain and  
31 the use of such information shall not be restricted in any  
32 way that is otherwise permitted by federal or state statute.  
33 Information obtained through the system that school districts,  
34 charter schools, or area education agencies are not otherwise  
35 authorized to obtain may be used to achieve the purposes

1 described in subsection 3, so long as it is not used in any way  
2 inconsistent with the protections set out in subsection 6.

3 8. The education placement clearinghouse shall be designed  
4 and implemented for the posting of all education job openings  
5 offered by the school districts, area education agencies,  
6 charter schools, and accredited nonpublic schools in the state.

7 a. School districts, area education agencies, charter  
8 schools, and accredited nonpublic schools shall submit their  
9 education job openings to the department for posting on the  
10 department's internet site.

11 b. An applicant shall apply once to the department, upon  
12 forms furnished or made available in electronic form and  
13 prescribed by the director, and shall indicate the applicant's  
14 job interests, including but not limited to regions of  
15 interest, levels or areas of endorsement and licensure, and  
16 interests in current job postings on the department's internet  
17 site. Only applicants who apply and meet requirements of this  
18 paragraph are eligible to be interviewed for a job opening  
19 posted pursuant to paragraph "a". The director shall provide  
20 applicants with an option to update the information submitted  
21 in accordance with this paragraph.

22 c. The director shall develop and implement a screening  
23 process to identify high-quality educators that uses but is  
24 not limited to the data collected from the educator identifier  
25 system.

26 d. A school district, area education agency, charter school,  
27 or accredited nonpublic school that interviews an applicant  
28 pursuant to paragraph "b" may request information from the  
29 applicant that was not collected and is not maintained by the  
30 clearinghouse, but shall not ask an applicant for information  
31 that duplicates information collected from the applicant and  
32 maintained by the clearinghouse.

33 e. This subsection shall not be construed to discourage  
34 a school district, area education agency, charter school, or  
35 accredited nonpublic school from advertising, or from otherwise

1 making known, the positions available through the education  
2 placement clearinghouse.

3 DIVISION IX

4 CLASS SHARING AGREEMENTS

5 Sec. 26. Section 257.11, subsection 3, Code 2011, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *c.* A school district that collaborates with  
8 a community college to provide a college-level class that uses  
9 an activities-based, project-based, and problem-based learning  
10 approach and that is offered through a partnership with a  
11 nationally recognized provider of rigorous and innovative  
12 science, technology, engineering, and mathematics curriculum  
13 for schools, which provider is exempt from taxation under  
14 section 501(c)(3) of the Internal Revenue Code, is eligible to  
15 receive additional weighting under a supplementary weighting  
16 plan adopted pursuant to this subsection.

17 DIVISION X

18 STATE BOARD OF EDUCATION LICENSURE PROVISIONS

19 Sec. 27. NEW SECTION. 256.100 **Definitions.**

20 As used in this subchapter, unless the context otherwise  
21 requires:

22 1. "*Administrator*" means a person who is licensed to  
23 coordinate, supervise, or direct an educational program or the  
24 activities of other practitioners.

25 2. "*Board*" means the board of educational examiners.

26 3. "*Certificate*" means limited recognition to perform  
27 instruction and instruction-related duties in school, other  
28 than those duties for which practitioners are licensed. A  
29 certificate is nonexclusive recognition and does not confer the  
30 exclusive authority of a license.

31 4. "*License*" means the authority that is given to allow  
32 a person to legally serve as a practitioner, a school, an  
33 institution, or a course of study to legally offer professional  
34 development programs, other than those programs offered by  
35 practitioner preparation schools, institutions, courses of

1 study, or area education agencies. A license is the exclusive  
2 authority to perform these functions.

3 5. "*Paraeducator*" means a person who is certified to assist  
4 a teacher in the performance of instructional tasks to support  
5 and assist classroom instruction and related school activities.

6 6. "*Practitioner*" means an administrator, teacher, or other  
7 licensed professional, including an individual who holds a  
8 statement of professional recognition, who provides educational  
9 assistance to students.

10 7. "*Practitioner preparation program*" means a program  
11 approved by the state board which prepares a person to obtain a  
12 license as a practitioner.

13 8. "*Principal*" means a licensed member of a school's  
14 instructional staff who serves as an instructional leader,  
15 coordinates the process and substance of educational and  
16 instructional programs, coordinates the budget of the school,  
17 provides formative evaluation for all practitioners and other  
18 persons in the school, recommends or has effective authority  
19 to appoint, assign, promote, or transfer personnel in a school  
20 building, implements the local school board's policy in a  
21 manner consistent with professional practice and ethics, and  
22 assists in the development and supervision of a school's  
23 student activities program.

24 9. "*Professional development program*" means a course or  
25 program which is offered by a person or agency for the purpose  
26 of providing continuing education for the renewal or upgrading  
27 of a practitioner's license.

28 10. "*School*" means a school under section 280.2, an area  
29 education agency, and a school operated by a state agency for  
30 special purposes.

31 11. "*School administration manager*" means a person who  
32 is authorized to assist a school principal in performing  
33 noninstructional administrative duties.

34 12. "*School service personnel*" means those persons holding  
35 a practitioner's license who provide support services for a

1 student enrolled in school or to practitioners employed in a  
2 school.

3 13. "*State board*" means the state board of education.

4 14. "*Student*" means a person who is enrolled in a course of  
5 study at a school or practitioner preparation program, or who  
6 is receiving direct or indirect assistance from a practitioner.

7 15. "*Superintendent*" means an administrator who promotes,  
8 demotes, transfers, assigns, or evaluates practitioners or  
9 other personnel, and carries out the policies of a governing  
10 board in a manner consistent with professional practice and  
11 ethics.

12 16. "*Teacher*" means a licensed member of a school's  
13 instructional staff who diagnoses, prescribes, evaluates,  
14 and directs student learning in a manner which is consistent  
15 with professional practice and school objectives, shares  
16 responsibility for the development of an instructional program  
17 and any coordinating activities, evaluates or assesses student  
18 progress before and after instruction, and who uses the student  
19 evaluation or assessment information to promote additional  
20 student learning.

21 Sec. 28. NEW SECTION. 256.101 **Duties of the state board.**

22 The state board shall do the following:

23 1. Adopt rules pursuant to chapter 17A to implement this  
24 subchapter.

25 2. *a.* Provide for the licensure of practitioners and the  
26 issuance of certificates, authorizations, and statements of  
27 professional recognition to other education-related personnel;  
28 establish criteria for licenses, certificates, authorizations,  
29 and statements of professional recognition; establish  
30 application, issuance, revocation, suspension, and renewal  
31 requirements and procedures; create licenses that authorize  
32 different instructional functions or specialties; and develop  
33 any other classifications, distinctions, and procedures which  
34 may be necessary to exercise licensing duties.

35 *b.* Provide for, in accordance with paragraph "*a*", the

1 issuance of statements of professional recognition to  
2 school service personnel who have attained a minimum of  
3 a baccalaureate degree and who are licensed by another  
4 professional licensing board, including but not limited to  
5 athletic trainers licensed under chapter 152D.

6 c. Provide for, in accordance with paragraph "a", the  
7 issuance of authorizations for practitioners who are not  
8 eligible for a statement of professional recognition under  
9 paragraph "b", but have received a baccalaureate degree and  
10 provide a service to students at any level from prekindergarten  
11 through grade twelve for a school district, accredited  
12 nonpublic school, area education agency, or preschool program  
13 established pursuant to chapter 256C.

14 3. Develop and adopt a code of professional rights and  
15 responsibilities, practices, and ethics, which shall, among  
16 other things, address the failure of a practitioner to  
17 fulfill contractual obligations under section 279.13. In  
18 addressing the failure of a practitioner to fulfill contractual  
19 obligations, the rules shall allow consideration of factors  
20 beyond the practitioner's control.

21 4. Provide annually to any person who holds a license,  
22 certificate, authorization, or statement of professional  
23 recognition issued by the department, training relating to  
24 the knowledge and understanding of the state board's code  
25 of professional conduct and ethics. The department shall  
26 develop a curriculum that addresses the code of professional  
27 conduct and ethics and shall annually provide regional training  
28 opportunities throughout the state.

29 5. Establish fees for a license, certificate,  
30 authorization, or statement of professional recognition issued  
31 pursuant to this subchapter.

32 6. Enter into reciprocity agreements with other equivalent  
33 state boards or a national certification board to provide for  
34 licensing of applicants from other states or nations.

35 7. Establish and adopt standards for the determination

1 of whether an applicant is qualified to perform the duties  
2 required for a given license.

3 8. Provide alternative pathways to the initial teacher  
4 license and initial administrator license or endorsement in  
5 accordance with section 256.124. The rules shall prescribe  
6 standards and procedures for the approval of alternative  
7 principal licensing programs which may be offered in this state  
8 by designated agencies located within or outside this state.  
9 Procedures provided for approval of alternative principal  
10 licensing programs shall include procedures for enforcement of  
11 the prescribed standards.

12 9. Adopt rules to determine whether an applicant is  
13 qualified to perform the duties for which a license,  
14 certificate, authorization, or statement of professional  
15 recognition is sought. The rules shall include all of the  
16 following:

17 a. Provision for the denial of a license, certificate,  
18 authorization, or statement of professional recognition of a  
19 person upon the department's finding, and for the revocation  
20 of a license, certificate, authorization, or statement of  
21 professional recognition upon the board's finding, by a  
22 preponderance of evidence that either the person has been  
23 convicted of a crime or that there has been a founded report of  
24 child abuse against the person. Rules adopted in accordance  
25 with this paragraph shall provide that in determining whether  
26 a person should be denied a license or that a practitioner's  
27 license should be revoked, the department or board, as  
28 appropriate, shall consider the nature and seriousness of the  
29 founded abuse or crime in relation to the position sought or  
30 held, the time elapsed since the crime was committed, the  
31 degree of rehabilitation which has taken place since the  
32 incidence of founded abuse or the commission of the crime,  
33 the likelihood that the person will commit the same abuse or  
34 crime again, and the number of founded abuses committed by or  
35 criminal convictions of the person involved.

1     *b.* Notwithstanding paragraph "a", a requirement that the  
2 department disqualify an applicant for a license, certificate,  
3 authorization, or statement of professional recognition or that  
4 the board revoke the license, certificate, authorization, or  
5 statement of professional recognition of a person for any of  
6 the following reasons:

7     (1) The person entered a plea of guilty to, or has been  
8 found guilty of, any of the following offenses, whether or not  
9 a sentence is imposed:

10     (a) Any of the following forcible felonies included in  
11 section 702.11: child endangerment, assault, murder, sexual  
12 abuse, or kidnapping.

13     (b) Any of the following sexual abuse offenses, as provided  
14 in chapter 709, involving a child:

15     (i) First, second, or third degree sexual abuse committed on  
16 or with a person who is under the age of eighteen years.

17     (ii) Lascivious acts with a child.

18     (iii) Assault with intent to commit sexual abuse.

19     (iv) Indecent contact with a child.

20     (v) Sexual exploitation by a counselor.

21     (vi) Lascivious conduct with a minor.

22     (vii) Sexual exploitation by a school employee.

23     (c) Enticing a minor under section 710.10.

24     (d) Human trafficking under section 710A.2.

25     (e) Incest involving a child under section 726.2.

26     (f) Dissemination and exhibition of obscene material to  
27 minors under section 728.2.

28     (g) Telephone dissemination of obscene material to minors  
29 under section 728.15.

30     (h) Any offense specified in the laws of another  
31 jurisdiction, or any offense that may be prosecuted in federal,  
32 military, or foreign court, that is comparable to an offense  
33 listed in this subparagraph (1).

34     (i) Any offense under prior laws of this state or another  
35 jurisdiction, or any offense under prior law that was

1 prosecuted in a federal, military, or foreign court, that is  
2 comparable to an offense listed in this subparagraph (1).

3 (2) The applicant is less than twenty-one years of age  
4 except as provided in section 256.117, subsection 1, paragraph  
5 "e". However, a student enrolled in a practitioner preparation  
6 program who meets state board requirements for a temporary,  
7 limited-purpose license who is seeking to teach as part of a  
8 practicum or internship may be less than twenty-one years of  
9 age.

10 (3) The applicant's application is fraudulent.

11 (4) The applicant's license or certification from another  
12 state is suspended or revoked.

13 (5) The applicant fails to meet state board standards for  
14 application for an initial or renewed license.

15 c. Qualifications or criteria for the granting or  
16 revocation of a license or the determination of an individual's  
17 professional standing shall not include membership or  
18 nonmembership in any teachers' organization.

19 d. An applicant for a license or certificate under this  
20 subchapter shall demonstrate that the requirements of the  
21 license or certificate have been met and the burden of proof  
22 shall be on the applicant.

23 10. Adopt criteria for administrative endorsements that  
24 allow a person to achieve the endorsement authorizing the  
25 person to serve as an elementary or secondary principal without  
26 regard to the grade level at which the person accrued teaching  
27 experience.

28 11. Adopt rules to require that a background investigation  
29 be conducted by the division of criminal investigation of the  
30 department of public safety on all initial applicants for  
31 licensure.

32 Sec. 29. NEW SECTION. 256.102 Duties of the department.

33 The department shall do the following:

34 1. Carry out programs and policies as determined by the  
35 state board, and the duties and responsibilities of the

1 department as set forth in this subchapter.

2 2. License practitioners and issue certificates,  
3 authorizations, and statements of professional recognition in  
4 accordance with rules adopted pursuant to section 256.101.

5 3. Enforce rules adopted by the state board under section  
6 256.101 and the actions taken by the board under section  
7 256.105 or 256.106, including but not limited to enforcement  
8 of disciplinary action against a practitioner, practitioner  
9 preparation program, or professional development program  
10 licensed or approved by the department.

11 4. Create license, certificate, authorization, and  
12 statement of professional recognition application and renewal  
13 forms.

14 5. Collect and refund fees for a license, certificate,  
15 authorization, or statement of professional recognition issued  
16 pursuant to this subchapter.

17 6. Make recommendations to the state board concerning  
18 standards for the approval of professional development  
19 programs.

20 7. Apply for and receive federal or other funds on behalf of  
21 the state for purposes related to its duties.

22 8. Require all initial applicants to submit a completed  
23 fingerprint packet which the department shall use to facilitate  
24 a national criminal history background check. The department  
25 shall have access to, and shall review, the sex offender  
26 registry information under section 692A.121 available to  
27 the general public, the central registry for child abuse  
28 information established under chapter 235A, and the dependent  
29 adult abuse records maintained under chapter 235B for  
30 information regarding applicants for license renewal.

31 9. Evaluate and conduct studies of state board standards.

32 10. Periodically review the administrative rules adopted  
33 pursuant to this subchapter and related state laws. The  
34 department shall compile and submit the department's findings  
35 and recommendations in a written report to the state board, the

1 board, and the general assembly by January 15, 2014, and every  
2 three years thereafter.

3 Sec. 30. NEW SECTION. 256.103 Fees — expenditures and  
4 refunds.

5 1. It is the intent of the general assembly that licensing  
6 fees established by the state board be sufficient to finance  
7 the activities of the state board, the board, and the  
8 department under this subchapter.

9 2. Licensing fees are payable to the treasurer of state and  
10 shall be deposited with the department. The licensing fees  
11 collected during the fiscal year shall be retained by and are  
12 appropriated to the department for the purposes related to the  
13 administration of this subchapter. Notwithstanding section  
14 8.33, licensing fees retained by and appropriated to the  
15 department pursuant to this section that remain unencumbered or  
16 unobligated at the close of the fiscal year shall not revert  
17 but shall remain available for expenditure for purposes of  
18 the administration of this subchapter until the close of the  
19 succeeding fiscal year.

20 3. The director shall keep an accurate and detailed account  
21 of the fees received.

22 4. The department shall submit a detailed annual financial  
23 report by January 1 to the general assembly and the legislative  
24 services agency.

25 5. Expenditures and refunds made for purposes of this  
26 subchapter shall be certified by the director to the director  
27 of the department of administrative services and, if found  
28 correct, the director of the department of administrative  
29 services shall approve the expenditures and refunds and  
30 draw warrants upon the treasurer of state from the funds  
31 appropriated for that purpose.

32 Sec. 31. NEW SECTION. 256.104 Board of educational  
33 examiners created.

34 1. The board of educational examiners is established to  
35 enforce rules adopted by the state board through revocation

1 or suspension of a license, certificate, authorization, or  
2 statement of professional recognition or by other disciplinary  
3 action against a person who holds a license, certificate,  
4 authorization, or statement of professional recognition or  
5 professional development program approved by the state board  
6 and to hear appeals regarding application, renewal, suspension,  
7 or revocation of a license, certificate, authorization, or  
8 statement of professional recognition issued pursuant to this  
9 subchapter.

10 2. The board consists of twelve members who shall be  
11 appointed by the governor subject to confirmation by the  
12 senate.

13 3. The members shall include the following:

14 a. Two members of the general public. One of the public  
15 members shall have served on a school board. The public  
16 members shall never have held a practitioner's license, but  
17 shall have a demonstrated interest in education.

18 b. The director appointed pursuant to section 256.8, or the  
19 director's designee.

20 c. (1) Nine members who are licensed practitioners, who  
21 shall be selected from the following areas and specialties of  
22 the teaching profession:

23 (a) Elementary teachers.

24 (b) Secondary teachers.

25 (c) Special education or other similar teachers.

26 (d) Counselors or other special purpose practitioners.

27 (e) Administrators.

28 (f) School service personnel.

29 (2) A majority of the licensed practitioner members shall  
30 be nonadministrative practitioners. Four of the licensed  
31 practitioner members shall be administrators.

32 4. Membership of the board shall comply with the  
33 requirements of sections 69.16 and 69.16A. A quorum of the  
34 board shall consist of six members. Members shall elect a  
35 chairperson of the board.

1 5. a. Members except for the director or the director's  
2 designee shall be appointed to serve staggered terms of four  
3 years. A member shall not serve more than two consecutive  
4 terms, except for the director or the director's designee, who  
5 shall serve until the director's term of office expires. A  
6 vacancy exists when any of the following occur:

7 (1) A nonpublic member's license expires, is suspended, or  
8 is revoked.

9 (2) A nonpublic member retires or terminates employment as a  
10 practitioner.

11 (3) A member dies, resigns, is removed from office, or is  
12 otherwise physically unable to perform the duties of office.

13 (4) A member's term of office expires.

14 b. Terms of office for regular appointments shall begin  
15 and end as provided in section 69.19. Terms of office for  
16 members appointed to fill vacancies shall begin on the date  
17 of appointment and end as provided in section 69.19. Members  
18 may be removed for cause by a state court with competent  
19 jurisdiction after notice and opportunity for hearing. The  
20 board may remove a member for three consecutive absences or for  
21 cause.

22 6. Members shall be reimbursed for actual and necessary  
23 expenses incurred while engaged in their official duties  
24 and may be entitled to per diem compensation as authorized  
25 under section 7E.6. For duties performed during an ordinary  
26 school day by a member who is employed by a school corporation  
27 or state university, the member shall also receive regular  
28 compensation from the school or university. However, the  
29 member shall reimburse the school or university in the amount  
30 of the per diem compensation received.

31 Sec. 32. NEW SECTION. 256.105 Board hearing procedures —  
32 confidentiality — administrative law judges.

33 1. The board shall designate who may or shall initiate a  
34 licensee disciplinary investigation and a licensee disciplinary  
35 proceeding, and who shall prosecute a disciplinary proceeding

1 and under what conditions, and shall state the procedures for  
2 review by the board of findings of fact if a majority of the  
3 board does not hear the disciplinary proceeding. However, in a  
4 case alleging failure of a practitioner to fulfill contractual  
5 obligations, the person who files a complaint with the board,  
6 or the complainant's designee, shall represent the complainant  
7 in a disciplinary hearing conducted in accordance with this  
8 subchapter.

9       2. Hearings before the board shall be conducted in the same  
10 manner as contested cases under chapter 17A. In addition, the  
11 board shall require specificity in written complaints that are  
12 filed by individuals who have personal knowledge of an alleged  
13 violation and which are accepted by the board, provide that  
14 jurisdictional requirements as set by the board are met on  
15 the face of the complaint before initiating an investigation  
16 of allegations, provide that any investigation be limited  
17 to the allegations contained on the face of the complaint,  
18 provide for an adequate interval between the receipt of a  
19 complaint and public notice of the complaint, permit parties to  
20 a complaint to mutually agree to a resolution of the complaint  
21 filed with the board, allow the respondent the right to review  
22 any investigative report upon a finding of probable cause for  
23 further action by the board, require that the conduct providing  
24 the basis for the complaint occurred within three years of  
25 discovery of the event by the complainant unless good cause  
26 can be shown for an extension of this limitation, and require  
27 complaints to be resolved within one hundred eighty days unless  
28 good cause can be shown for an extension of this limitation.

29       3. In addressing the failure of a practitioner to fulfill  
30 contractual obligations, the board shall consider factors  
31 beyond the practitioner's control.

32       4. The board may subpoena books, papers, records, and  
33 any other real evidence necessary for the board to decide  
34 whether it should institute a contested case hearing. At the  
35 hearing the board may administer oaths and issue subpoenas to

1 compel the attendance of witnesses and the production of other  
2 evidence. Subpoenas may be issued by the board to a party  
3 to a hearing, if the party demonstrates that the evidence or  
4 witnesses' testimony is relevant and material to the hearing.  
5 Service of process and subpoenas for board hearings shall be  
6 conducted in accordance with the law applicable to the service  
7 of process and subpoenas in civil actions.

8 5. Witnesses subpoenaed to appear before the board shall be  
9 reimbursed for mileage and necessary expenses and shall receive  
10 per diem compensation by the board unless the witness is an  
11 employee of the state or a political subdivision, in which case  
12 the witness shall receive reimbursement only for mileage and  
13 necessary expenses.

14 6. All complaint files, investigation files, other  
15 investigation reports, and other investigative information in  
16 the possession of the board or its employees or agents, which  
17 relate to licensee discipline, are privileged and confidential,  
18 and are not subject to discovery, subpoena, or other means of  
19 legal compulsion for their release to a person other than the  
20 respondent and the board and its employees and agents involved  
21 in licensee discipline, and are not admissible in evidence in a  
22 judicial or administrative proceeding other than the proceeding  
23 involving licensee discipline. A complaint, any amendment to  
24 a complaint, and any supporting documents shall be provided  
25 to the respondent immediately upon the board's determination  
26 that jurisdictional requirements have been met and prior to  
27 the commencement of the board's investigation. Investigative  
28 information in the possession of the board or its employees or  
29 agents which relates to licensee discipline may be disclosed  
30 to appropriate licensing authorities within this state, the  
31 appropriate licensing authority in another state, the District  
32 of Columbia, or a territory or country in which the licensee  
33 is licensed or has applied for a license. A final written  
34 decision and finding of fact of the board in a disciplinary  
35 proceeding is a public record.

1 7. The board shall maintain a list of qualified persons  
2 who are experienced in the educational system of this state to  
3 serve as administrative law judges when a hearing is requested  
4 under section 279.24. When requested under section 279.24,  
5 the board shall submit a list of five qualified administrative  
6 law judges to the parties. The parties shall select one of  
7 the five qualified persons to conduct the hearing as provided  
8 in section 279.24. The hearing shall be held pursuant to  
9 the provisions of chapter 17A relating to contested cases.  
10 The full costs of the hearing shall be shared equally by the  
11 parties.

12 8. Board action is final agency action for purposes of  
13 chapter 17A.

14 Sec. 33. NEW SECTION. 256.106 Reporting requirements —  
15 complaints.

16 1. a. The board of directors of a school district or area  
17 education agency, the superintendent of a school district or  
18 the chief administrator of an area education agency, and the  
19 authorities in charge of a nonpublic school shall report to the  
20 board the nonrenewal or termination, for reasons of alleged  
21 or actual misconduct, of a person's contract executed under  
22 sections 279.12, 279.13, 279.15 through 279.21, 279.23, and  
23 279.24, and the resignation of a person who holds a license,  
24 certificate, authorization, or statement of professional  
25 recognition issued by the department as a result of or  
26 following an incident or allegation of misconduct that, if  
27 proven, would constitute a violation of the rules adopted by  
28 the state board to implement section 256.101, subsection 9,  
29 paragraph "b", subparagraph (1), when the school board, area  
30 education agency board, authorities, or reporting official  
31 has a good-faith belief that the incident occurred or the  
32 allegation is true. The department may deny a license or the  
33 board may revoke the license of an administrator if the board  
34 finds by a preponderance of the evidence that the administrator  
35 failed to report the termination or resignation of a school

1 employee holding a license, certificate, authorization, or  
2 statement of professional recognition for reasons of alleged or  
3 actual misconduct, as defined by this subchapter.

4     **b.** Information reported to the board in accordance with this  
5 section is privileged and confidential, and except as provided  
6 in section 256.105, is not subject to discovery, subpoena, or  
7 other means of legal compulsion for its release to a person  
8 other than the respondent and the board and its employees and  
9 agents involved in licensee discipline, and is not admissible  
10 in evidence in a judicial or administrative proceeding other  
11 than the proceeding involving licensee discipline. The board  
12 shall review the information reported to determine whether a  
13 complaint should be initiated. In making that determination,  
14 the board shall consider the factors enumerated in section  
15 256.101, subsection 9, paragraph "a".

16     **c.** For purposes of this section, unless the context  
17 otherwise requires, "misconduct" means an action disqualifying  
18 an applicant for a license or causing the license of a person  
19 to be revoked or suspended in accordance with the rules adopted  
20 by the state board to implement section 256.101, subsection 9,  
21 paragraph "b", subparagraph (1).

22     2. If, in the course of performing official duties, an  
23 employee of the department becomes aware of any alleged  
24 misconduct by an individual licensed under this subchapter, the  
25 employee shall report the alleged misconduct to the board under  
26 rules adopted pursuant to subsection 1.

27     3. If the board verifies through a review of official  
28 records that a teacher who holds a practitioner's license under  
29 this subchapter is assigned instructional duties for which the  
30 teacher does not hold the appropriate license or endorsement,  
31 either by grade level or subject area, by a school district or  
32 accredited nonpublic school, the board may initiate a complaint  
33 against the teacher and the administrator responsible for the  
34 inappropriate assignment of instructional duties.

35     Sec. 34. NEW SECTION. **256.107 Immunities.**

1 1. A person shall not be civilly liable as a result of the  
2 person's acts, omissions, or decisions that are reasonable and  
3 in good faith as a member of the board or as an employee or  
4 agent of the department in connection with the person's duties  
5 under this subchapter.

6 2. A person shall not be civilly liable as a result  
7 of filing a report or complaint with the board or for the  
8 disclosure to the board or its agents or employees, whether or  
9 not pursuant to a subpoena of records, documents, testimony, or  
10 other forms of information in connection with proceedings of  
11 the board. However, such immunity from civil liability shall  
12 not apply if such an act is done with malice.

13 3. A person shall not be dismissed from employment or  
14 discriminated against by an employer for doing any of the  
15 following:

16 a. Filing a complaint with the board.

17 b. Participating as a member, agent, or employee of the  
18 board.

19 c. Presenting testimony or other evidence to the board.

20 4. An employer who violates this section shall be liable to  
21 a person aggrieved by such violation for actual and punitive  
22 damages plus reasonable attorney fees.

23 Sec. 35. NEW SECTION. 256.111 **Validity of license.**

24 1. A license issued under state board authority is valid for  
25 the period of time for which it is issued, unless the license  
26 is suspended or revoked. A license issued pursuant to this  
27 subchapter is valid until the last day of the practitioner's  
28 birth month in the year in which the license expires. No  
29 permanent licenses shall be issued. A person employed as a  
30 practitioner shall hold a valid license with an endorsement  
31 for the type of service for which the person is employed.  
32 This section does not limit the duties or powers of a school  
33 board to select or discharge practitioners or to terminate  
34 practitioners' contracts. A professional development program,  
35 except for a program offered by a practitioner preparation

1 institution or area education agency and approved by the state  
2 board, must possess a valid license for the types of programs  
3 offered.

4 2. The department or the board, as applicable, may grant  
5 or deny license applications, grant or deny applications  
6 for renewal of a license, or suspend or revoke licenses in  
7 accordance with the provisions of this subchapter. A denial  
8 of an application for a license, a denial of an application  
9 for renewal, or a suspension or revocation of a license may be  
10 appealed by the practitioner to the department or board, as  
11 applicable.

12 3. The department may issue emergency renewal or temporary,  
13 limited-purpose licenses upon petition by a current or  
14 former practitioner. An emergency renewal or a temporary,  
15 limited-purpose license may be issued for a period not  
16 to exceed two years, if a petitioner demonstrates, to the  
17 satisfaction of the department, good cause for failure to  
18 comply with state board requirements for a regular license  
19 and provides evidence that the petitioner will comply with  
20 state board requirements within the period of the emergency  
21 or temporary license. Under exceptional circumstances, an  
22 emergency license may be renewed by the department for one  
23 additional year. A previously unlicensed person is not  
24 eligible for an emergency or temporary license, except that a  
25 student who is enrolled in a licensed practitioner preparation  
26 program may be issued a temporary, limited-purpose license,  
27 without payment of a fee, as part of a practicum or internship  
28 program.

29 Sec. 36. NEW SECTION. 256.112 License to applicants from  
30 other states or countries.

31 1. The department may provide for the issuance of a license  
32 to an applicant from another state or country if the applicant  
33 files evidence of the possession of the required or equivalent  
34 requirements with the department. If the applicant is the  
35 spouse of a military person who is on duty or in active state

1 duty as defined in section 29A.1, subsections 9 and 11, the  
2 department shall assign a consultant to be the single point of  
3 contact for the applicant regarding nontraditional licensure.

4 2. The state board may enter into reciprocity agreements  
5 with another state or country for the licensing of  
6 practitioners on an equitable basis of mutual exchange.

7 3. Practitioner preparation and professional development  
8 programs offered in this state by out-of-state institutions  
9 must be approved by the state board in order to fulfill  
10 requirements for licensure or renewal of a license by an  
11 applicant.

12 Sec. 37. NEW SECTION. 256.113 **Continuity of certificates**  
13 **and licenses.**

14 1. A certificate which was issued by the board of  
15 educational examiners to a practitioner before July 1,  
16 1989, continues to be in force as long as the certificate  
17 complies with the rules and statutes in effect on July  
18 1, 1989. Requirements for the renewal of licenses, under  
19 this subchapter, do not apply retroactively to renewal of  
20 certificates. However, this section does not limit the  
21 duties or powers of a school board to select or discharge  
22 practitioners or to terminate practitioners' contracts.

23 2. A practitioner who holds a certificate issued before  
24 July 1, 1989, shall, upon application and payment of a fee,  
25 be granted a license which will permit the practitioner to  
26 perform the same duties and functions as the practitioner was  
27 entitled to perform with the certificate held at the time of  
28 application. A practitioner shall be permitted to convert a  
29 permanent certificate to a term certificate, after July 1,  
30 1989, without payment of a fee.

31 Sec. 38. NEW SECTION. 256.114 **Administrator mentoring and**  
32 **induction — licenses.**

33 1. Requirements for administrator licensure beyond an  
34 initial license shall include completion of a beginning  
35 administrator mentoring and induction program and demonstration

1 of competence on the administrator standards adopted pursuant  
2 to section 284A.3.

3 2. The state board shall adopt rules for administrator  
4 licensure renewal that include credit for individual  
5 administrator professional development plans developed in  
6 accordance with section 284A.6.

7 3. An administrator formerly employed as an administrator  
8 prior to July 1, 2007, by an accredited nonpublic school, or  
9 who within one year prior to employment in Iowa was employed  
10 by an accredited school in another state or country, is exempt  
11 from the mentoring and induction requirement under subsection  
12 1 if the administrator can document two years of successful  
13 administrator experience and meet or exceed the requirements  
14 contained in rules adopted pursuant to this subchapter for  
15 endorsement and licensure.

16 Sec. 39. NEW SECTION. **256.115 National certification.**

17 The state board shall review the standards for teacher's  
18 certificates adopted by the national board for professional  
19 teaching standards. If the standards required by the national  
20 board meet or exceed the requirements for an endorsement or  
21 license issued under rules adopted pursuant to this subchapter,  
22 the department shall issue an endorsement or license to an  
23 applicant for such an endorsement or license if the applicant  
24 holds a valid certificate issued by the national board.

25 Sec. 40. NEW SECTION. **256.116 Paraeducator certificates.**

26 The state board shall establish a voluntary certification  
27 system for paraeducators. The state board shall specify in  
28 rule the rights, responsibilities, levels, and qualifications  
29 for the certificate. Applicants shall be disqualified for  
30 any reason specified in section 256.101, subsection 9, except  
31 that the department may issue a paraeducator certificate to a  
32 person who is at least eighteen years of age. A person holding  
33 a paraeducator certificate shall not perform the duties of  
34 a licensed practitioner. A paraeducator certificate issued  
35 pursuant to this section shall not be considered a teacher

1 or administrator license for any purpose specified by law,  
2 including the purposes specified under this subchapter or  
3 chapter 279.

4 Sec. 41. NEW SECTION. 256.117 Authorizations — coaching  
5 — school business officials.

6 1. The minimum requirements for the issuance of a coaching  
7 authorization to an applicant under this subchapter include the  
8 following:

9 a. Successful completion of one semester credit hour  
10 or ten contact hours in a course relating to knowledge and  
11 understanding of the structure and function of the human body  
12 in relation to physical activity.

13 b. Successful completion of one semester credit hour  
14 or ten contact hours in a course relating to knowledge and  
15 understanding of human growth and development of children and  
16 youth in relation to physical activity.

17 c. Successful completion of two semester credit hours or  
18 twenty contact hours in a course relating to knowledge and  
19 understanding of the prevention and care of athletic injuries  
20 and medical and safety problems relating to physical activity.

21 d. Successful completion of one semester credit hour or ten  
22 contact hours relating to knowledge and understanding of the  
23 techniques and theory of coaching interscholastic athletics.

24 e. Attainment of at least eighteen years of age.

25 2. a. The department shall issue a school business official  
26 authorization to an individual who successfully completes a  
27 training program that meets the standards set by the state  
28 board pursuant to section 256.7, subsection 30, and who  
29 complies with rules adopted by the state board pursuant to  
30 subsection 4.

31 b. A person hired on or after July 1, 2012, as a school  
32 business official responsible for the financial operations of  
33 a school district who is without prior experience as a school  
34 business official in Iowa shall either hold the school business  
35 official authorization issued pursuant to paragraph "a" or

1 obtain the authorization within two years of the start date of  
2 employment as a school business official.

3 c. An individual employed as a school business official  
4 prior to July 1, 2012, who meets the requirements of the  
5 state board, other than the training program requirements of  
6 paragraph "a", shall be issued, with no fee for issuance, an  
7 initial authorization, but shall meet renewal requirements for  
8 an authorization within the time period specified by the state  
9 board.

10 3. The department shall issue a school administration  
11 manager authorization to an individual who successfully  
12 completes a training program that meets the standards set by  
13 the state board pursuant to section 256.7, subsection 30, and  
14 who complies with rules adopted by the state board pursuant to  
15 subsection 4.

16 4. The state board shall work with institutions of  
17 higher education, private colleges and universities,  
18 community colleges, area education agencies, and professional  
19 organizations to ensure that the courses and programs required  
20 for authorization under this section are offered throughout the  
21 state at convenient times and at a reasonable cost.

22 5. The department shall establish a statewide school  
23 administration manager training program that complies with the  
24 standards and procedures established pursuant to section 256.7,  
25 subsection 30, paragraph "b". Participation in the program is  
26 voluntary for school districts, charter schools, and accredited  
27 nonpublic schools and their employees.

28 **Sec. 42. NEW SECTION. 256.121 Specific criteria for teacher**  
29 **preparation and certain educators.**

30 1. Pursuant to section 256.7, subsection 5, the state board  
31 shall adopt rules requiring all higher education institutions  
32 providing approved practitioner preparation programs to do the  
33 following:

34 a. Require any candidate for admission to the practitioner  
35 preparation program to have a cumulative postsecondary grade

1 point average at the time of application of at least three on a  
2 four-point scale, or its equivalent if another scale is used.

3 *b.* (1) Administer a basic skills test, which has been  
4 approved by the director, to practitioner preparation program  
5 admission candidates. Candidates who do not successfully  
6 pass the test with a score above the twenty-fifth percentile  
7 nationally shall be denied admission to the program.

8 (2) A student shall not successfully complete the program  
9 unless the student achieves scores above the twenty-fifth  
10 percentile nationally on an assessment approved by the director  
11 in pedagogy and at least one content area.

12 *c.* Include preparation in reading programs and integrate  
13 reading strategies into content area methods coursework.

14 *d.* Include in the professional education program,  
15 preparation that contributes to the education of students  
16 with disabilities and students who are gifted and talented,  
17 and preparation in classroom management addressing high-risk  
18 behaviors including but not limited to behaviors related to  
19 substance abuse. Preparation required under this paragraph  
20 must be successfully completed before graduation from the  
21 practitioner preparation program.

22 2. An applicant for licensure under this subchapter shall  
23 have successfully completed a professional education program  
24 containing the subject matter specified in this section.

25 Sec. 43. NEW SECTION. 256.122 Rules for practitioner  
26 preparation programs.

27 The state board shall adopt rules pursuant to chapter 17A  
28 which require that an approved practitioner preparation program  
29 include all of the following:

30 1. A requirement that each student admitted to the program  
31 must participate in at least fifty hours of field experience  
32 that includes both observation and participation in teaching  
33 activities in a variety of school settings; at least ten hours  
34 of which shall occur prior to a student's acceptance in the  
35 program. The student teaching experience shall be a minimum of

1 fifteen weeks in duration during the student's final year of  
2 the practitioner preparation program.

3 2. A requirement that faculty members in professional  
4 education maintain an ongoing involvement in activities in  
5 elementary, middle, or secondary schools. The activities shall  
6 include at least forty hours of team teaching during a period  
7 not exceeding two years in duration at the elementary, middle,  
8 or secondary level.

9 3. A requirement that the program include instruction  
10 in skills and strategies to be used in classroom management  
11 of individuals, and of small and large groups, under varying  
12 conditions; skills for communicating and working constructively  
13 with pupils, teachers, administrators, and parents; and skills  
14 for understanding the role of the state board and the functions  
15 of other education agencies in the state. The requirement  
16 shall be based upon recommendations of the director after  
17 consultation with teacher education faculty members in colleges  
18 and universities.

19 4. A requirement that prescribes minimum experiences and  
20 responsibilities to be accomplished during the student teaching  
21 experience by the student teacher and by the cooperating  
22 teacher based upon recommendations of the director after  
23 consultation with teacher education faculty members in  
24 colleges and universities. The student teaching experience  
25 shall include opportunities for the student teacher to become  
26 knowledgeable about the Iowa teaching standards, including a  
27 mock evaluation performed by the cooperating teacher. The  
28 mock evaluation shall not be used as an assessment tool by  
29 the practitioner preparation program. The student teaching  
30 experience shall consist of interactive experiences involving  
31 practitioner preparation program personnel, the student  
32 teacher, the cooperating teacher, and administrative personnel  
33 from the cooperating teacher's school district.

34 5. A requirement that each approved practitioner  
35 preparation program or professional development institution

1 annually offer a workshop of at least one day in duration for  
2 prospective cooperating teachers. The workshop shall define  
3 the objectives of the student teaching experience, review  
4 the responsibilities of the cooperating teacher, and provide  
5 the cooperating teacher other information and assistance the  
6 institution deems necessary.

7 6. A requirement that practitioner preparation students  
8 receive instruction in the use of electronic technology for  
9 classroom and instructional purposes.

10 7. A requirement that each institution with an approved  
11 practitioner preparation program annually solicit the views  
12 of the education community regarding the institution's  
13 practitioner preparation program. The institution shall  
14 collect the education community's views and the institution's  
15 findings and recommendations in a report which shall be  
16 submitted to the department. The department shall publish the  
17 report on its internet site.

18 8. A requirement that an approved practitioner preparation  
19 program submit evidence that the college or department of  
20 education is communicating with other colleges or departments  
21 in the institution so that practitioner preparation students  
22 may integrate teaching methodology with subject matter areas  
23 of specialization.

24 9. A requirement that an approved practitioner preparation  
25 program submit evidence that the evaluation of the performance  
26 of a student teacher is a cooperative process that involves  
27 both the faculty member supervising the student teacher and  
28 the cooperating teacher. The rules shall require that each  
29 institution develop a written evaluation procedure for use  
30 by the cooperating teacher and a form for evaluating student  
31 teachers, and require that a copy of the completed form be  
32 included in the student teacher's permanent record.

33 Sec. 44. NEW SECTION. 256.123 Student teaching and other  
34 educational experiences.

35 If the rules adopted by the state board for issuance of a

1 license or endorsement license require an applicant to complete  
2 work in student teaching, prestudent teaching experiences,  
3 field experiences, practicums, clinicals, or internships, an  
4 institution with a practitioner preparation program approved by  
5 the state board pursuant to section 256.7, subsection 3, shall  
6 enter into a written contract with any Iowa school district,  
7 accredited nonpublic school, preschool registered or licensed  
8 by the department of human services, or area education agency  
9 under terms and conditions as agreed upon by the contracting  
10 parties. The terms and conditions of a written contract  
11 entered into with a preschool pursuant to this section shall  
12 provide that a student teacher be under the direct supervision  
13 of an appropriately licensed cooperating teacher who is  
14 employed to teach at the preschool. A student teaching or  
15 engaged in preservice licensure activities in a school district  
16 under the terms of such a contract are entitled to the same  
17 protection, under section 670.8, as is afforded by that section  
18 to officers and employees of the school district, during the  
19 time the student is so assigned.

20 Sec. 45. NEW SECTION. 256.124 **Alternative licensure and**  
21 **endorsement.**

22 1. The state board shall establish alternative licensure  
23 pathways for an initial teacher license and an initial  
24 administrator license and endorsement.

25 2. The alternative pathway for an initial teacher license  
26 shall include all of the following components:

27 a. A requirement that the applicant for the alternative  
28 pathway to an initial teacher license meet all of the following  
29 criteria:

30 (1) Hold, at a minimum, a bachelor's degree from a  
31 regionally accredited postsecondary institution and twenty-four  
32 postsecondary credit hours in the content area to be taught at  
33 the licensure level sought by the applicant; or, in order to  
34 teach a foreign language, the applicant shall hold at least a  
35 bachelor's degree and be a native speaker of the language to

1 be taught.

2 (2) Have successfully passed a background check conducted  
3 in accordance with section 256.102, subsection 8.

4 (3) Have at least three recent consecutive years of  
5 successful, relevant work experience.

6 (4) Have successfully passed a basic skills test, approved  
7 by the director, for acceptance. An applicant utilizing the  
8 alternative pathway to an initial teacher license shall not  
9 be issued such a license unless the student achieves scores  
10 above the twenty-fifth percentile nationally on an examination  
11 approved by the director for knowledge of pedagogies and in at  
12 least one content area.

13 (5) Have a cumulative postgraduate grade point average of at  
14 least three on a four-point scale, or its equivalent if another  
15 grade scale is used.

16 *b.* A requirement that the person issued an initial teacher  
17 license pursuant to this subsection shall, during the person's  
18 first three years of teaching, successfully complete a  
19 beginning teacher mentoring and induction program pursuant  
20 to section 284.5, and shall successfully complete eighteen  
21 postsecondary credit hours of pedagogy coursework before the  
22 person may be issued a license beyond the initial license.

23 3. The alternative pathway for an initial administrator  
24 license shall include all of the following components:

25 *a.* A requirement that the applicant for the alternative  
26 pathway to an initial administrator license meet all of the  
27 following criteria:

28 (1) Hold, at a minimum, a bachelor's degree from a  
29 regionally accredited postsecondary institution.

30 (2) Have successfully passed a background check conducted  
31 in accordance with section 256.102, subsection 8.

32 *b.* A requirement that a person who is issued an initial  
33 administrator license through the alternative pathway specified  
34 by this subsection may be employed by a school district or  
35 accredited nonpublic school and, for the first consecutive

1 three years of employment as a building principal, shall  
2 be supervised and mentored by a person who holds a valid  
3 professional administrator license.

4 4. A person with at least five recent years of successful  
5 experience as a professional educator, and who is enrolled in  
6 an alternative principal licensing program approved by the  
7 state board, may qualify for an initial administrator license.

8 5. A person with at least five recent years of successful  
9 management experience in business; industry; local, state,  
10 or federal government; or the military service of the United  
11 States, and who has successfully completed an alternative  
12 principal licensing program approved by the state board, may  
13 qualify for an initial administrator license.

14 6. *a.* The alternative pathway for an initial administrator  
15 endorsement for school superintendents and area education  
16 agency administrators shall require an applicant to meet all of  
17 the following criteria:

18 (1) Hold, at a minimum, a bachelor's degree from a  
19 regionally accredited postsecondary institution.

20 (2) Have successfully passed a background check conducted  
21 in accordance with section 256.102, subsection 8.

22 (3) Have at least five recent years of successful, relevant  
23 experience as a professional educator or management experience  
24 in business; industry; local, state, or federal government; or  
25 the military service of the United States.

26 *b.* A person issued an initial administrator endorsement  
27 for superintendents or area education agency administrators  
28 under this subsection shall successfully complete a beginning  
29 mentoring and induction program with a mentor who is a  
30 superintendent or area education agency administrator, as  
31 appropriate.

32 *c.* A person issued an initial administrator endorsement  
33 for superintendents or area education agency administrators  
34 pursuant to this subsection, who successfully completes three  
35 years of experience as a superintendent or area education

1 agency administrator, may be issued a license beyond the  
2 initial administrator endorsement.

3 7. Upon application, a person who holds an initial  
4 administrator license issued pursuant to subsection 3, and who  
5 has three years of successful experience as a principal, shall  
6 be issued a professional administrator license.

7 Sec. 46. NEW SECTION. 256.125 **Mentoring and induction**  
8 **requirement.**

9 1. Requirements for teacher licensure beyond an initial  
10 license shall include successful completion of a beginning  
11 teacher mentoring and induction program pursuant to section  
12 284.5.

13 2. A teacher from another state or country is exempt from  
14 the requirement of subsection 1 if the teacher can document  
15 five years of successful teaching experience and meet or  
16 exceed the requirements contained in rules adopted under this  
17 subchapter for endorsement and licensure.

18 Sec. 47. Section 20.17, subsection 11, paragraph a, Code  
19 2011, is amended to read as follows:

20 a. In the absence of an impasse agreement negotiated  
21 pursuant to section 20.19 which provides for a different  
22 completion date, public employees represented by a certified  
23 employee organization who are teachers licensed under chapter  
24 ~~272~~ 256 and who are employed by a public employer which is a  
25 school district or area education agency shall complete the  
26 negotiation of a proposed collective bargaining agreement  
27 not later than May 31 of the year when the agreement is to  
28 become effective. The board shall provide, by rule, a date on  
29 which impasse items in such cases must be submitted to binding  
30 arbitration and for such other procedures as deemed necessary  
31 to provide for the completion of negotiations of proposed  
32 collective bargaining agreements not later than May 31. The  
33 date selected for the mandatory submission of impasse items  
34 to binding arbitration in such cases shall be sufficiently in  
35 advance of May 31 to ensure that the arbitrator's award can be

1 reasonably made by May 31.

2 Sec. 48. Section 20.19, subsection 1, Code 2011, is amended  
3 to read as follows:

4 1. As the first step in the performance of their duty to  
5 bargain, the public employer and the employee organization  
6 shall endeavor to agree upon impasse procedures. Such  
7 agreement shall provide for implementation of these impasse  
8 procedures not later than one hundred twenty days prior to  
9 the certified budget submission date of the public employer.  
10 However, if public employees represented by the employee  
11 organization are teachers licensed under chapter ~~272~~ 256, and  
12 the public employer is a school district or area education  
13 agency, the agreement shall provide for implementation of  
14 impasse procedures not later than one hundred twenty days prior  
15 to May 31 of the year when the collective bargaining agreement  
16 is to become effective. If the public employer is a community  
17 college, the agreement shall provide for implementation of  
18 impasse procedures not later than one hundred twenty days prior  
19 to May 31 of the year when the collective bargaining agreement  
20 is to become effective. If the public employer is not subject  
21 to the budget certification requirements of section 24.17 and  
22 other applicable sections, the agreement shall provide for  
23 implementation of impasse procedures not later than one hundred  
24 twenty days prior to the date the next fiscal or budget year of  
25 the public employer commences. If the parties fail to agree  
26 upon impasse procedures under the provisions of this section,  
27 the impasse procedures provided in sections 20.20 to 20.22  
28 shall apply.

29 Sec. 49. Section 20.20, Code 2011, is amended to read as  
30 follows:

31 **20.20 Mediation.**

32 In the absence of an impasse agreement negotiated pursuant  
33 to section 20.19 or the failure of either party to utilize its  
34 procedures, one hundred twenty days prior to the certified  
35 budget submission date, or one hundred twenty days prior to

1 May 31 of the year when the collective bargaining agreement  
2 is to become effective if public employees represented by the  
3 employee organization are teachers licensed under chapter  
4 ~~272~~ 256 and the public employer is a school district or  
5 area education agency, the board shall, upon the request of  
6 either party, appoint an impartial and disinterested person  
7 to act as mediator. If the public employer is a community  
8 college, and in the absence of an impasse agreement negotiated  
9 pursuant to section 20.19 or the failure of either party to  
10 utilize its procedures, one hundred twenty days prior to May  
11 31 of the year when the collective bargaining agreement is to  
12 become effective, the board, upon the request of either party,  
13 shall appoint an impartial and disinterested person to act as  
14 mediator. If the public employer is not subject to the budget  
15 certification requirements of section 24.17 or other applicable  
16 sections and in the absence of an impasse agreement negotiated  
17 pursuant to section 20.19, or the failure of either party to  
18 utilize its procedures, one hundred twenty days prior to the  
19 date the next fiscal or budget year of the public employer  
20 commences, the board, upon the request of either party, shall  
21 appoint an impartial and disinterested person to act as a  
22 mediator. It shall be the function of the mediator to bring  
23 the parties together to effectuate a settlement of the dispute,  
24 but the mediator may not compel the parties to agree.

25 Sec. 50. Section 232.69, subsection 1, paragraph b,  
26 subparagraph (4), Code Supplement 2011, is amended to read as  
27 follows:

28 (4) A licensed school employee, certified ~~para-educator~~  
29 paraeducator, holder of a coaching authorization issued  
30 under section ~~272.31~~ 256.117, or an instructor employed by a  
31 community college.

32 Sec. 51. Section 232.69, subsection 3, paragraph a, Code  
33 Supplement 2011, is amended to read as follows:

34 a. For the purposes of this subsection, "*licensing*  
35 *board*" means a board designated in section 147.13, the ~~board~~

1 department of educational examiners created education in  
2 accordance with section 272.2 256.102, or a licensing board as  
3 defined in section 272C.1.

4 Sec. 52. Section 235A.15, subsection 2, paragraph e,  
5 subparagraph (9), Code Supplement 2011, is amended to read as  
6 follows:

7 (9) To the department of education or the board of  
8 educational examiners created under chapter 272 256 for  
9 purposes of determining whether a license, certificate,  
10 or authorization should be issued, denied, or revoked in  
11 accordance with chapter 256.

12 Sec. 53. Section 235B.6, subsection 2, paragraph e,  
13 subparagraph (13), Code Supplement 2011, is amended to read as  
14 follows:

15 (13) To the department of education or the board of  
16 educational examiners created under chapter 272 256 for  
17 purposes of determining whether a license, certificate,  
18 or authorization should be issued, denied, or revoked in  
19 accordance with chapter 256.

20 Sec. 54. Section 235B.16, subsection 5, paragraph a, Code  
21 2011, is amended to read as follows:

22 a. For the purposes of this subsection, "*licensing*  
23 *board*" means a board designated in section 147.13, the ~~board~~  
24 department of educational examiners created education as  
25 provided in section 272.2 256.102, or a licensing board as  
26 defined in section 272C.1.

27 Sec. 55. Section 256.7, subsections 5, 22, and 30, Code  
28 Supplement 2011, are amended to read as follows:

29 5. Adopt rules under chapter 17A for carrying out the  
30 responsibilities of the state board and of the department  
31 pursuant to law.

32 22. Adopt rules and a procedure for the approval of  
33 ~~para-educator~~ paraeducator preparation programs offered by  
34 a public school district, area education agency, community  
35 college, institution of higher education under the state board

1 of regents, or an accredited private institution as defined  
2 in section 261.9, subsection 1. The programs shall train  
3 and recommend individuals for ~~para-educator~~ paraeducator  
4 certification under section ~~272.12~~ 256.116.

5 30. Set standards and procedures for the approval of  
6 training programs for individuals who seek an authorization  
7 ~~issued by the board of educational examiners~~ under section  
8 256.117 for employment the following:

9 a. Employment as a school business official responsible for  
10 the financial operations of a school district.

11 b. Employment as a school administration manager responsible  
12 for assisting a school principal in performing noninstructional  
13 duties.

14 Sec. 56. Section 256.9, subsections 46 and 52, Code  
15 Supplement 2011, are amended to read as follows:

16 46. Develop core knowledge and skill criteria, based  
17 upon the Iowa teaching standards, for the evaluation, the  
18 advancement, and for teacher career development purposes  
19 pursuant to chapter 284. The criteria shall further define the  
20 characteristics of quality teaching as established by the Iowa  
21 teaching standards. The director, ~~in consultation with the~~  
22 ~~board of educational examiners,~~ shall also develop a transition  
23 plan for implementation of the career development standards  
24 developed pursuant to section 256.7, subsection 25, with regard  
25 to licensure renewal requirements. The plan shall include a  
26 requirement that practitioners be allowed credit for career  
27 development completed prior to implementation of the career  
28 development standards developed pursuant to section 256.7,  
29 subsection 25.

30 52. Establish and maintain a process and a procedure, ~~in~~  
31 ~~cooperation with the board of educational examiners,~~ to compare  
32 a practitioner's teaching assignment with the license and  
33 endorsements held by the practitioner. The director may report  
34 noncompliance issues identified by this process to the board  
35 of educational examiners pursuant to section ~~272.15~~ 256.106,

1 subsection 3.

2 Sec. 57. Section 256.11, subsections 9, 9A, and 9B, Code  
3 2011, are amended to read as follows:

4 9. Beginning July 1, ~~2006~~ 2012, each school district shall  
5 have a qualified teacher librarian who shall be licensed by  
6 ~~the board of educational examiners~~ under this chapter 272.  
7 The state board shall establish in rule a definition of and  
8 standards for an articulated sequential kindergarten through  
9 grade twelve media program. ~~A school district that entered  
10 into a contract with an individual for employment as a media  
11 specialist or librarian prior to June 1, 2006, shall be  
12 considered to be in compliance with this subsection until June  
13 30, 2011, if the individual is making annual progress toward  
14 meeting the requirements for a teacher librarian endorsement  
15 issued by the board of educational examiners under chapter  
16 272.~~ A school district that entered into a contract with an  
17 individual for employment as a media specialist or librarian  
18 who holds at least a master's degree in library and information  
19 studies shall be considered to be in compliance with this  
20 subsection until the individual leaves the employ of the school  
21 district.

22 9A. Beginning July 1, ~~2007~~ 2012, each school district shall  
23 have a qualified guidance counselor who shall be licensed by  
24 ~~the board of educational examiners~~ under this chapter 272.  
25 Each school district shall work toward the goal of having one  
26 qualified guidance counselor for every three hundred fifty  
27 students enrolled in the school district. The state board  
28 shall establish in rule a definition of and standards for  
29 an articulated sequential kindergarten through grade twelve  
30 guidance and counseling program.

31 9B. Beginning July 1, ~~2007~~ 2012, each school district shall  
32 have a school nurse to provide health services to its students.  
33 Each school district shall work toward the goal of having one  
34 school nurse for every seven hundred fifty students enrolled in  
35 the school district. For purposes of this subsection, "school

1 *nurse* means a person who holds an endorsement or a statement of  
2 professional recognition for school nurses issued by the board  
3 of educational examiners under this chapter 272.

4 Sec. 58. Section 256.36, subsection 3, Code 2011, is amended  
5 to read as follows:

6 3. The ~~board of educational examiners~~ department may  
7 develop recommendations for specific changes in the licensing  
8 requirements for math and science teachers.

9 Sec. 59. Section 256.44, subsection 1, unnumbered paragraph  
10 1, Code 2011, is amended to read as follows:

11 A national board certification pilot project is established  
12 to be administered by the department of education. A teacher,  
13 as defined in section ~~272.1~~ 256.100, who registers for or  
14 achieves national board for professional teaching standards  
15 certification, and who is employed by a school district in Iowa  
16 and receiving a salary as a classroom teacher, may be eligible  
17 for the following:

18 Sec. 60. Section 256C.3, subsection 2, paragraph a,  
19 subparagraph (2), Code 2011, is amended to read as follows:

20 (2) The individual is appropriately licensed under chapter  
21 ~~272~~ 256 and meets requirements under chapter 284.

22 Sec. 61. Section 256F.7, subsection 1, Code 2011, is amended  
23 to read as follows:

24 1. A charter school or the boards participating in an  
25 innovation zone consortium shall employ or contract with  
26 necessary teachers and administrators, as defined in section  
27 ~~272.1~~ 256.100, who hold a valid license with an endorsement for  
28 the type of service for which the teacher or administrator is  
29 employed.

30 Sec. 62. Section 258.4, subsection 5, Code 2011, is amended  
31 to read as follows:

32 5. Make recommendations to the state board of educational  
33 ~~examiners~~ of education relating to the enforcement of rules  
34 prescribing standards for teachers of subjects listed in  
35 subsection 2 in accredited schools, departments, and classes.

1     Sec. 63. Section 258.5, unnumbered paragraph 1, Code 2011,  
2 is amended to read as follows:

3     If a school corporation maintains an approved vocational  
4 school, department, or classes in accordance with the rules  
5 adopted by the state board, ~~and rules and standards adopted~~  
6 ~~by the board of educational examiners~~ of education, and the  
7 state plan for vocational education, ~~adopted by the board~~  
8 for vocational education and approved by the United States  
9 department of education, the director of the department of  
10 education shall reimburse the school corporation at the end  
11 of the fiscal year for its expenditures for salaries and  
12 authorized travel of vocational teachers from federal and state  
13 funds. However, a school corporation shall not receive from  
14 federal and state funds a larger amount than one-half the sum  
15 which has been expended by the school corporation for that  
16 particular type of program. If federal and state funds are not  
17 sufficient to make the reimbursement to the extent provided in  
18 this section, the director shall prorate the respective amounts  
19 available to the corporations entitled to reimbursement.

20     Sec. 64. Section 261.111, subsection 8, Code 2011, is  
21 amended to read as follows:

22     8. For purposes of this section, unless the context  
23 otherwise requires, "*teacher*" means the same as defined in  
24 section ~~272.1~~ 256.100.

25     Sec. 65. Section 261.112, subsection 1, Code Supplement  
26 2011, is amended to read as follows:

27     1. A teacher shortage loan forgiveness program is  
28 established to be administered by the commission. A teacher  
29 is eligible for the program if the teacher is practicing in  
30 a teacher shortage area as designated by the department of  
31 education pursuant to subsection 2. For purposes of this  
32 section, "*teacher*" means an individual holding a practitioner's  
33 license issued under chapter ~~272~~ 256, who is employed in a  
34 nonadministrative position in a designated shortage area by a  
35 school district or area education agency pursuant to a contract

1 issued by a board of directors under section 279.13.

2 Sec. 66. Section 261E.3, subsection 2, paragraph a,  
3 subparagraph (6), Code Supplement 2011, is amended to read as  
4 follows:

5 (6) If the instruction for any program authorized by  
6 this chapter is provided at a school district facility or a  
7 neutral site, the teacher or instructor shall have successfully  
8 passed a background investigation conducted in accordance with  
9 section ~~272.2~~ 256.102, subsection ~~17~~ 7, prior to providing such  
10 instruction. For purposes of this section, "neutral site" means  
11 a facility that is not owned or operated by an institution.

12 Sec. 67. Section 261E.3, subsection 2, paragraph e, Code  
13 Supplement 2011, is amended to read as follows:

14 e. An individual under suspension or revocation of an  
15 educational license or statement of professional recognition  
16 ~~issued by the board of educational examiners~~ under chapter 256  
17 shall not be allowed to provide instruction for any program  
18 authorized by this chapter.

19 Sec. 68. Section 261E.4, subsection 3, Code 2011, is amended  
20 to read as follows:

21 3. A school district shall ensure that advanced placement  
22 course teachers or instructors are appropriately licensed by  
23 ~~the board of educational examiners~~ in accordance with chapter  
24 ~~272~~ 256 and meet the minimum certification requirements of the  
25 national organization that administers the advanced placement  
26 program.

27 Sec. 69. Section 262.9, subsection 2, Code Supplement 2011,  
28 is amended to read as follows:

29 2. Elect a president of each of the institutions of higher  
30 learning; a superintendent of each of the other institutions;  
31 a treasurer and a secretarial officer for each institution  
32 annually; professors, instructors, officers, and employees;  
33 and fix their compensation. Sections 279.12 through 279.19  
34 and section 279.27 apply to employees of the Iowa braille and  
35 sight saving school and the state school for the deaf, who

1 are licensed pursuant to chapter ~~272~~ 256. In following those  
2 sections in chapter 279, the references to boards of directors  
3 of school districts shall be interpreted to apply to the board  
4 of regents.

5 Sec. 70. Section 263.1, Code Supplement 2011, is amended to  
6 read as follows:

7 **263.1 Objects — departments.**

8 The university of Iowa shall never be under the control of  
9 any religious denomination. Its object shall be to provide the  
10 best and most efficient means of imparting to men and women,  
11 upon equal terms, a liberal education and thorough knowledge of  
12 the different branches of literature and the arts and sciences,  
13 with their varied applications. It shall include colleges  
14 of liberal arts, law, medicine, and such other colleges and  
15 departments, with such courses of instruction and elective  
16 studies as the state board of regents may determine from time  
17 to time. If a practitioner preparation program as defined in  
18 section ~~272.1~~ 256.100 is established by the board, it shall  
19 include the subject of physical education. Instruction in the  
20 liberal arts college shall begin, so far as practicable, at the  
21 points where the same is completed in high schools.

22 Sec. 71. Section 266.2, Code Supplement 2011, is amended to  
23 read as follows:

24 **266.2 Courses of study.**

25 There shall be adopted and taught at said university of  
26 science and technology practical courses of study, embracing  
27 in their leading branches such as relate to agriculture and  
28 mechanic arts, mines and mining, and ceramics, and such other  
29 branches as are best calculated to educate thoroughly the  
30 agricultural and industrial classes in the several pursuits  
31 and professions of life, including military tactics. If a  
32 practitioner preparation program as defined in section ~~272.1~~  
33 256.100 is established, it shall include the subject of  
34 physical education.

35 Sec. 72. Section 272A.2, Code 2011, is amended to read as

1 follows:

2 **272A.2 Designated state official.**

3 The designated state official for this state, within the  
4 meaning of section 272A.1, article II, paragraph "b", of the  
5 interstate agreement on qualification of educational personnel,  
6 shall be the ~~executive director of the board of educational~~  
7 ~~examiners~~ administrator of the division of licensing and  
8 educator effectiveness of the department of education. The  
9 ~~executive director~~ division administrator shall enter into  
10 contracts pursuant to section 272A.1, article III, of the  
11 agreement only with the approval of the specific text thereof  
12 by the state board of ~~educational examiners~~ education.

13 Sec. 73. Section 272A.3, Code 2011, is amended to read as  
14 follows:

15 **272A.3 Contracts on file.**

16 True copies of all contracts made on behalf of this state  
17 pursuant to the interstate agreement on qualification of  
18 educational personnel shall be kept on file by the state board  
19 of ~~educational examiners~~ education and in the office of the  
20 secretary of state. The state board of ~~educational examiners~~  
21 education shall publish all such contracts in convenient form.  
22 The state board of ~~educational examiners~~ education may adopt  
23 rules pursuant to this chapter.

24 Sec. 74. Section 273.3, subsections 5 and 11, Code  
25 Supplement 2011, are amended to read as follows:

26 5. Be authorized, subject to rules of the state board of  
27 education, to provide directly or by contractual arrangement  
28 with public or private agencies for special education programs  
29 and services, media services, and educational programs and  
30 services requested by the local boards of education as provided  
31 in this chapter, including but not limited to contracts for  
32 the area education agency to provide programs or services to  
33 the local school districts and contracts for local school  
34 districts, other educational agencies, and public and private  
35 agencies to provide programs and services to the local school

1 districts in the area education agency in lieu of the area  
2 education agency providing the services. Contracts may be made  
3 with public or private agencies located outside the state if  
4 the programs and services comply with the rules of the state  
5 board. ~~Rules adopted by the state board of education shall~~  
6 ~~be consistent with rules, adopted by the board of educational~~  
7 ~~examiners, relating to licensing of practitioners.~~

8 11. Employ personnel to carry out the functions of the  
9 area education agency which shall include the employment of an  
10 administrator who shall possess a license issued under chapter  
11 ~~272~~ 256. The administrator shall be employed pursuant to  
12 section 279.20 and sections 279.23, 279.24, and 279.25. The  
13 salary for an area education agency administrator shall be  
14 established by the board based upon the previous experience and  
15 education of the administrator. Section 279.13 applies to the  
16 area education agency board and to all teachers employed by the  
17 area education agency. Sections 279.23, 279.24, and 279.25  
18 apply to the area education board and to all administrators  
19 employed by the area education agency.

20 Sec. 75. Section 279.13, subsection 1, paragraph b,  
21 subparagraph (1), Code 2011, is amended to read as follows:

22 (1) Prior to entering into an initial contract with a  
23 teacher who holds a license other than an initial license  
24 ~~issued by the board of educational examiners~~ under chapter  
25 ~~272~~ 256, the school district shall initiate a state criminal  
26 history record check of the applicant through the division of  
27 criminal investigation of the department of public safety,  
28 submit the applicant's fingerprints to the division for  
29 submission to the federal bureau of investigation for a  
30 national criminal history record check, and review the sex  
31 offender registry information under section 692A.121 available  
32 to the general public, the central registry for child abuse  
33 information established under section 235A.14, and the central  
34 registry for dependent adult abuse information established  
35 under section 235B.5 for information regarding the applicant

1 for employment as a teacher.

2 Sec. 76. Section 279.19B, subsection 1, paragraph a,  
3 unnumbered paragraph 1, Code 2011, is amended to read as  
4 follows:

5 The board of directors of a school district may employ for  
6 head coach of any interscholastic athletic activities or for  
7 assistant coach of any interscholastic athletic activity, an  
8 individual who possesses a coaching authorization issued ~~by the~~  
9 ~~board of educational examiners~~ pursuant to chapter 256 or who  
10 possesses a teaching license with a coaching endorsement issued  
11 pursuant to chapter ~~272~~ 256. However, a board of directors of  
12 a school district shall consider applicants with qualifications  
13 described below, in the following order of priority:

14 Sec. 77. Section 279.19B, subsection 1, paragraph a,  
15 subparagraph (2), Code 2011, is amended to read as follows:

16 (2) A qualified individual who possesses a coaching  
17 authorization issued ~~by the board of educational examiners~~  
18 under chapter 256.

19 Sec. 78. Section 279.24, subsection 5, paragraph c, Code  
20 2011, is amended to read as follows:

21 c. Within five days after receipt of the written notice  
22 that the school board has voted to consider termination of  
23 the contract, the administrator may request in writing to  
24 the secretary of the school board that the notification be  
25 forwarded to the state board of ~~educational examiners~~ education  
26 along with a request that the state board of ~~educational~~  
27 ~~examiners~~ submit a list of five qualified administrative law  
28 judges to the parties. Within three days from receipt of the  
29 list the parties shall select an administrative law judge  
30 by alternately removing a name from the list until only one  
31 name remains. The person whose name remains shall be the  
32 administrative law judge. The parties shall determine by lot  
33 which party shall remove the first name from the list. The  
34 hearing shall be held no sooner than ten days and not later  
35 than thirty days following the administrator's request unless

1 the parties otherwise agree. If the administrator does not  
2 request a hearing, the school board, not later than May 31, may  
3 determine the continuance or discontinuance of the contract  
4 and, if the board determines to continue the administrator's  
5 contract, whether to suspend the administrator with or without  
6 pay for a period specified by the board. School board action  
7 shall be by majority roll call vote entered on the minutes of  
8 the meeting. Notice of school board action shall be personally  
9 delivered or mailed to the administrator.

10 Sec. 79. Section 279.43, Code 2011, is amended to read as  
11 follows:

12 **279.43 Reporting inappropriate teaching assignments.**

13 An employee licensed by ~~the board of educational examiners~~  
14 under chapter 256 and holding a contract as described in  
15 section 279.13 shall disclose any occurrence of a teaching  
16 assignment for which that employee is not properly licensed  
17 to the school official responsible for determining teaching  
18 assignments. Failure of the employee to disclose this  
19 occurrence or failure of the school official responsible  
20 for determining teaching assignments to make appropriate  
21 adjustments to the employee's teaching assignment once  
22 the employee discloses the occurrence shall constitute an  
23 incident of misconduct as provided in section ~~272.2~~ 256.101,  
24 subsection ~~14~~ 9, and is actionable by the board. If the  
25 school official fails to make appropriate adjustments to the  
26 teaching assignment once disclosure by the employee is made,  
27 the employee shall report this occurrence to the department or  
28 to the board for further action.

29 Sec. 80. Section 279.49, subsection 3, Code 2011, is amended  
30 to read as follows:

31 3. The person employed to be responsible for a program  
32 operated or contracted by a board that is not licensed by the  
33 department of human services shall be an appropriately licensed  
34 teacher under chapter ~~272~~ 256 or shall meet other standards  
35 adopted by the state board of education.

1 Sec. 81. Section 280.17, subsection 2, paragraph b, Code  
2 Supplement 2011, is amended to read as follows:

3 b. If the results of an investigation of abuse of a  
4 student by a school employee who holds a license, certificate,  
5 authorization, or statement of professional recognition  
6 ~~issued by the board of educational examiners under chapter 256~~  
7 finds that the school employee's conduct constitutes a crime  
8 under any other statute, the board or the authorities, as  
9 appropriate, shall report the results of the investigation to  
10 the board of educational examiners pursuant to chapter 256.

11 Sec. 82. Section 282.3, subsection 2, paragraph a, Code  
12 2011, is amended to read as follows:

13 a. A child under the age of six years on the fifteenth of  
14 September of the current school year shall not be admitted to a  
15 public school unless the board of directors of the school has  
16 adopted and put into effect courses of study for the school  
17 year immediately preceding the first grade, approved by the  
18 department of education, and has employed a practitioner or  
19 practitioners for this work with standards of training approved  
20 by the state board of educational examiners education pursuant  
21 to chapter 256.

22 Sec. 83. Section 284.2, subsections 1, 7, and 11, Code 2011,  
23 are amended to read as follows:

24 1. "*Beginning teacher*" means an individual serving under an  
25 initial or intern license, issued by the ~~board of educational~~  
26 ~~examiners under department pursuant to chapter 272~~ 256, who  
27 is assuming a position as a teacher. For purposes of the  
28 beginning teacher mentoring and induction program created  
29 pursuant to section 284.5, "*beginning teacher*" also includes  
30 preschool teachers who are licensed ~~by the board of educational~~  
31 ~~examiners under chapter 272~~ 256 and are employed by a school  
32 district or area education agency. "*Beginning teacher*" does  
33 not include a teacher whose employment with a school district  
34 or area education agency is probationary unless the teacher is  
35 serving under an initial or teacher intern license issued by

1 ~~the board of educational examiners~~ under chapter 272 256.

2 7. "*Mentor*" means an individual employed by a school  
3 district or area education agency as a teacher or a retired  
4 teacher who holds a valid license issued under chapter 272 256.  
5 The individual must have a record of four years of successful  
6 teaching practice, must be employed on a nonprobationary  
7 basis, and must demonstrate professional commitment to both  
8 the improvement of teaching and learning and the development  
9 of beginning teachers.

10 11. "*Teacher*" means an individual who holds a practitioner's  
11 license issued under chapter 272 256, or a statement of  
12 professional recognition issued under chapter 272 256 who is  
13 employed in a nonadministrative position by a school district  
14 or area education agency pursuant to a contract issued by a  
15 board of directors under section 279.13. A teacher may be  
16 employed in both an administrative and a nonadministrative  
17 position by a board of directors and shall be considered a  
18 part-time teacher for the portion of time that the teacher is  
19 employed in a nonadministrative position.

20 Sec. 84. Section 284.5, subsection 6, Code 2011, is amended  
21 to read as follows:

22 6. Upon completion of the program, the beginning teacher  
23 shall be comprehensively evaluated to determine if the teacher  
24 meets expectations to move to the career level. The school  
25 district or area education agency that employs the beginning  
26 teacher shall recommend for a standard license a beginning  
27 teacher who is determined through a comprehensive evaluation  
28 to demonstrate competence in the Iowa teaching standards. A  
29 school district or area education agency may offer a beginning  
30 teacher a third year of participation in the program if, after  
31 conducting a comprehensive evaluation, the school district  
32 determines that the teacher is likely to successfully complete  
33 the mentoring and induction program by the end of the third  
34 year of eligibility. A teacher granted a third year of  
35 eligibility shall develop a teacher's mentoring and induction

1 program plan in accordance with this chapter and shall undergo  
2 a comprehensive evaluation at the end of the third year.

3 The ~~board of educational examiners~~ department shall grant a  
4 one-year extension of the beginning teacher's initial license  
5 upon notification by the school district that the teacher will  
6 participate in a third year of the school district's program.

7 Sec. 85. Section 284.7, subsection 1, paragraph a,  
8 subparagraph (1), subparagraph divisions (a) and (b), Code  
9 2011, are amended to read as follows:

10 (a) Has successfully completed an approved practitioner  
11 preparation program as defined in section ~~272.1~~ 256.100  
12 or holds an intern teacher license issued ~~by the board of~~  
13 ~~educational examiners~~ under chapter ~~272~~ 256.

14 (b) Holds an initial or intern teacher license issued ~~by the~~  
15 ~~board of educational examiners~~ under chapter 256.

16 Sec. 86. Section 284.7, subsection 1, paragraph b,  
17 subparagraph (1), unnumbered paragraph 1, Code 2011, is amended  
18 to read as follows:

19 A career teacher is a teacher who holds a statement of  
20 professional recognition issued ~~by the board of educational~~  
21 ~~examiners~~ under chapter ~~272~~ 256 or who meets the following  
22 requirements:

23 Sec. 87. Section 284.7, subsection 1, paragraph b,  
24 subparagraph (1), subparagraph division (c), Code 2011, is  
25 amended to read as follows:

26 (c) Holds a valid license issued ~~by the board of educational~~  
27 ~~examiners~~ under chapter 256.

28 Sec. 88. Section 284.7, subsection 2, paragraph b,  
29 subparagraph (1), subparagraph division (b), Code 2011, is  
30 amended to read as follows:

31 (b) Holds a valid license ~~from the board of educational~~  
32 ~~examiners~~ issued under chapter 256.

33 Sec. 89. Section 284.7, subsection 2, paragraph b,  
34 subparagraph (2), Code 2011, is amended to read as follows:

35 (2) It is the intent of the general assembly that the

1 participating district shall establish a minimum salary for  
2 an advanced teacher that is at least thirteen thousand five  
3 hundred dollars greater than the minimum career teacher  
4 salary. ~~In conjunction with the development of the review  
5 panel pursuant to section 284.9, the department shall make  
6 recommendations to the general assembly by January 1, 2002,  
7 regarding the appropriate district to district recognition for  
8 advanced teachers and methods that facilitate the transition of  
9 a teacher to the advanced level.~~

10 Sec. 90. Section 284.9, subsection 1, Code 2011, is amended  
11 to read as follows:

12 1. A career II teacher seeking to receive an advanced  
13 designation shall submit a portfolio of work evidence aligned  
14 with the Iowa teaching standards to a review panel established  
15 in accordance with subsection 2. A majority of the evidence in  
16 the portfolio shall be classroom-based. The review panel shall  
17 evaluate the career II teacher's portfolio to determine whether  
18 the teacher demonstrates superior teaching skills and shall  
19 make a recommendation to the ~~board of educational examiners~~  
20 department whether or not the teacher shall receive an advanced  
21 designation. The standards for recommendation include, but  
22 are not limited to, meeting the Iowa teaching standards at an  
23 advanced level.

24 Sec. 91. Section 284.10, subsections 2 and 4, Code 2011, are  
25 amended to read as follows:

26 2. An administrator licensed under chapter ~~272~~ 256 who  
27 conducts evaluations of teachers for purposes of this chapter  
28 shall complete the evaluator training program. A practitioner  
29 licensed under chapter ~~272~~ 256 who is not an administrator  
30 may enroll in the evaluator training program. Enrollment  
31 preference shall be given to administrators. Upon successful  
32 completion, the provider shall certify that the administrator  
33 or other practitioner is qualified to conduct evaluations  
34 for employment, make recommendations for licensure, and make  
35 recommendations that a teacher is qualified to advance from one

1 career path level to the next career path level pursuant to  
2 this chapter. Certification is for a period of five years and  
3 may be renewed.

4 4. The state board of educational examiners shall require  
5 certification as a condition of issuing or renewing an  
6 administrator's license under chapter 256.

7 Sec. 92. Section 284A.2, subsections 1, 2, and 7, Code 2011,  
8 are amended to read as follows:

9 1. "*Administrator*" means an individual holding a  
10 professional administrator license issued under chapter  
11 ~~272~~ 256 who is employed in a school district administrative  
12 position by a school district or area education agency  
13 pursuant to a contract issued by a board of directors under  
14 section 279.23 and is engaged in instructional leadership.  
15 An administrator may be employed in both an administrative  
16 and a nonadministrative position by a board of directors and  
17 shall be considered a part-time administrator for the portion  
18 of time that the individual is employed in an administrative  
19 position. "*Administrator*" does not include assistant principals  
20 or assistant superintendents.

21 2. "*Beginning administrator*" means an individual serving  
22 under an administrator license, ~~issued by the board of~~  
23 ~~educational examiners~~ under chapter ~~272~~ 256, who is assuming a  
24 position as a school district principal or superintendent for  
25 the first time.

26 7. "*Mentor*" means an individual employed by a school  
27 district or area education agency as a school district  
28 administrator or a retired administrator who holds a valid  
29 license issued under chapter ~~272~~ 256. The individual must have  
30 a record of four years of successful administrative experience  
31 and must demonstrate professional commitment to both the  
32 improvement of teaching and learning and the development of  
33 beginning administrators.

34 Sec. 93. Section 284A.5, subsection 5, Code 2011, is amended  
35 to read as follows:

1 5. By the end of a beginning administrator's first year of  
2 employment, the beginning administrator may be comprehensively  
3 evaluated to determine if the administrator meets expectations  
4 to move to a professional administrator license, where  
5 appropriate. The school district or area education agency that  
6 employs a beginning administrator shall recommend the beginning  
7 administrator for a professional administrator license, where  
8 appropriate, if the beginning administrator is determined  
9 through a comprehensive evaluation to demonstrate competence in  
10 the Iowa standards for school administrators adopted pursuant  
11 to section 256.7, subsection 27. A school district or area  
12 education agency may allow a beginning administrator a second  
13 year to demonstrate competence in the Iowa standards for school  
14 administrators if, after conducting a comprehensive evaluation,  
15 the school district or area education agency determines  
16 that the administrator is likely to successfully demonstrate  
17 competence in the Iowa standards for school administrators by  
18 the end of the second year. Upon notification by the school  
19 district or area education agency, the ~~board of educational~~  
20 ~~examiners~~ department shall grant a beginning administrator  
21 who has been allowed a second year to demonstrate competence  
22 a one-year extension of the beginning administrator's initial  
23 license. An administrator granted a second year to demonstrate  
24 competence shall undergo a comprehensive evaluation at the end  
25 of the second year.

26 Sec. 94. Section 284A.6, subsection 2, Code 2011, is amended  
27 to read as follows:

28 2. In cooperation with the administrator's evaluator, the  
29 administrator who has a professional administrator license  
30 issued by the ~~board of educational examiners~~ pursuant to  
31 chapter ~~272~~ 256 and is employed by a school district or  
32 area education agency in a school district administrative  
33 position shall develop an individual administrator professional  
34 development plan. The purpose of the plan is to promote  
35 individual and group professional development. The individual

1 plan shall be based, at a minimum, on the needs of the  
2 administrator, the Iowa standards for school administrators  
3 adopted pursuant to section 256.7, subsection 27, and the  
4 student achievement goals of the attendance center and the  
5 school district as outlined in the comprehensive school  
6 improvement plan.

7 Sec. 95. Section 284A.7, Code 2011, is amended to read as  
8 follows:

9 **284A.7 Evaluation requirements for administrators.**

10 A school district shall conduct an evaluation of an  
11 administrator who holds a professional administrator license  
12 issued under chapter ~~272~~ 256 at least once every three  
13 years for purposes of assisting the administrator in making  
14 continuous improvement, documenting continued competence in  
15 the Iowa standards for school administrators adopted pursuant  
16 to section 256.7, subsection 27, or to determine whether the  
17 administrator's practice meets school district expectations.  
18 The review shall include, at a minimum, an assessment of the  
19 administrator's competence in meeting the Iowa standards for  
20 school administrators and the goals of the administrator's  
21 individual professional development plan, including supporting  
22 documentation or artifacts aligned to the Iowa standards for  
23 school administrators and the individual administrator's  
24 professional development plan.

25 Sec. 96. Section 294.3, Code 2011, is amended to read as  
26 follows:

27 **294.3 State aid and tuition.**

28 A school shall not be deprived of its right to be approved  
29 for state aid or approved for tuition by reason of the  
30 employment of any practitioner as authorized under section  
31 ~~272-9~~ 256.113.

32 Sec. 97. Section 299A.2, Code Supplement 2011, is amended  
33 to read as follows:

34 **299A.2 Competent private instruction by licensed**  
35 **practitioner.**

1 If a licensed practitioner provides competent instruction  
2 to a school-age child, the practitioner shall possess a valid  
3 license or certificate which has been issued ~~by the state board~~  
4 ~~of educational examiners~~ under chapter ~~272~~ 256 and which is  
5 appropriate to the ages and grade levels of the children to  
6 be taught. Competent private instruction may include but is  
7 not limited to a home school assistance program which provides  
8 instruction or instructional supervision offered through an  
9 accredited nonpublic school or public school district by a  
10 teacher, who is employed by the accredited nonpublic school or  
11 public school district, who assists and supervises a parent,  
12 guardian, or legal custodian in providing instruction to a  
13 child. If competent private instruction is provided through  
14 a public school district, the child shall be enrolled and  
15 included in the basic enrollment of the school district as  
16 provided in section 257.6. Sections 299A.3 through 299A.7  
17 do not apply to competent private instruction provided by  
18 a licensed practitioner under this section. However, the  
19 reporting requirement contained in section 299A.3, subsection  
20 1, shall apply to competent private instruction provided by  
21 licensed practitioners that is not part of a home school  
22 assistance program offered through an accredited nonpublic  
23 school or public school district.

24 Sec. 98. Section 321.178, subsection 1, paragraph b,  
25 subparagraph (2), Code Supplement 2011, is amended to read as  
26 follows:

27 (2) (a) To be qualified to provide street or highway  
28 driving instruction, a person shall be certified by the  
29 department and authorized by the ~~board~~ department of  
30 ~~educational examiners~~ education. A person shall not be  
31 required to hold a current Iowa teacher or administrator  
32 license at the elementary or secondary level or to have  
33 satisfied the educational requirements for an Iowa teacher  
34 license at the elementary or secondary level in order to  
35 be certified by the department or authorized by the ~~board~~

1 department of educational-examiners education to provide street  
2 or highway driving instruction.

3 (b) The department shall adopt rules pursuant to chapter  
4 17A to provide for certification of persons qualified to  
5 provide street or highway driving instruction. The state  
6 board of educational-examiners education shall adopt rules  
7 pursuant to chapter 17A to provide for authorization of  
8 persons certified by the department to provide street or  
9 highway driving instruction. The department may disqualify a  
10 person from providing street or highway driving instruction  
11 without concurrent or further action by the ~~board~~ department  
12 of educational-examiners education, and the ~~board~~ department  
13 of educational-examiners education may withhold or withdraw  
14 authorization to provide street or highway driving instruction  
15 without concurrent or further action by the department.

16 Sec. 99. Section 321.178, subsection 1, paragraph b,  
17 subparagraph (3), unnumbered paragraph 1, Code Supplement 2011,  
18 is amended to read as follows:

19 The department shall not disqualify a person from providing  
20 street or highway driving instruction and neither the board of  
21 educational examiners nor the department of education shall ~~not~~  
22 withhold or withdraw authorization to provide street or highway  
23 instruction for the sole reason that the person was involved  
24 in a motor vehicle accident, unless either of the following  
25 circumstances exist:

26 Sec. 100. Section 622.10, subsection 8, Code Supplement  
27 2011, is amended to read as follows:

28 8. A qualified school guidance counselor, who is licensed  
29 ~~by the board of educational-examiners~~ under chapter ~~272~~ 256  
30 and who obtains information by reason of the counselor's  
31 employment as a qualified school guidance counselor, shall not  
32 be allowed, in giving testimony, to disclose any confidential  
33 communications properly entrusted to the counselor by a pupil  
34 or the pupil's parent or guardian in the counselor's capacity  
35 as a qualified school guidance counselor and necessary and

1 proper to enable the counselor to perform the counselor's  
2 duties as a qualified school guidance counselor.

3 Sec. 101. Section 709.15, subsection 1, paragraph f, Code  
4 2011, is amended to read as follows:

5 *f.* "School employee" means a practitioner as defined in  
6 section ~~272.1~~ 256.100.

7 Sec. 102. REPEAL. Section 256.16, Code 2011, is repealed.

8 Sec. 103. REPEAL. Chapter 272, Code and Code Supplement  
9 2011, is repealed.

10 Sec. 104. TRANSITION PROVISIONS.

11 1. A license, certificate, authorization, or statement of  
12 professional recognition issued prior to the effective date of  
13 this division of this Act is valid until the expiration date  
14 established on the license, certificate, authorization, or  
15 statement of professional recognition.

16 2. Any rule, regulation, form, order, or directive  
17 promulgated by the board of educational examiners as required  
18 to administer and enforce the provisions of chapter 272, Code  
19 and Code Supplement 2011, shall continue in full force and  
20 effect until amended, repealed, or supplemented by affirmative  
21 action of the state board of education.

22 3. An administrative hearing or court proceeding arising  
23 out of an enforcement action under chapter 272 pending on  
24 the effective date of this division of this Act shall not  
25 be affected due to this division of this Act. Any cause of  
26 action or statute of limitation relating to an action taken by  
27 the board of educational examiners shall not be affected as a  
28 result of this division of this Act and such cause or statute  
29 of limitation shall apply to the state board of education, the  
30 director of the department of education, and the department of  
31 education, as applicable.

32 4. a. All employees of the board of educational examiners  
33 shall be considered employees of the department of education  
34 on the effective date of this division of this Act without  
35 incurring any loss in salary, benefits, or accrued years of

1 service.

2 b. If an employee of the department is an employee covered  
3 under the collective bargaining provisions of chapter 20, that  
4 employee shall also be covered under chapter 20 upon employment  
5 with the department of education.

6 c. All employees of the board transitioning employment to  
7 the department pursuant to this subsection shall be considered  
8 employees for purposes of chapter 97B.

9 d. Notwithstanding any provisions to the contrary in  
10 chapter 68B or in this division of this Act, and subject to the  
11 approval of the director of the department of education, the  
12 department may employ not more than two individuals who were  
13 employed by the board.

14 5. Any replacement of signs, logos, stationery, insignia,  
15 uniforms, and related items that is made due to the effect of  
16 this division of this Act shall be done as part of the normal  
17 replacement cycle for such items.

18 6. The board of educational examiners shall assist the  
19 department of education in implementing this division of this  
20 Act by providing for an effective transition of powers and  
21 duties from one agency to another under chapters 256 and 272  
22 and related administrative rules. To the extent requested by  
23 the department of education, such assistance shall include  
24 but is not limited to assisting in cooperating with federal  
25 agencies such as the United States department of education.

26 7. Any moneys remaining in any account or fund under  
27 the control of the board of educational examiners on the  
28 effective date of this division of this Act and relating to the  
29 provisions of this division of this Act shall be transferred  
30 to a comparable fund or account under the control of the  
31 department of education for such purposes. Notwithstanding  
32 section 8.33, the moneys transferred in accordance with this  
33 subsection shall not revert to the account or fund from which  
34 appropriated or transferred.

35 8. Any license, permit, or contract issued or entered

1 into by the board of educational examiners relating to the  
2 provisions of this division of this Act in effect on the  
3 effective date of this division of this Act shall continue  
4 in full force and effect pending transfer of such licenses,  
5 permits, or contracts to the department of education.

6 9. Federal funds utilized by the executive director of the  
7 board of educational examiners prior to the effective date of  
8 this division of this Act to employ personnel necessary for the  
9 administration of the board's programs shall be applied to and  
10 be available for the transfer of such personnel from the board  
11 office to the department of education.

12 10. The initial board of educational examiners created  
13 within the department of education shall consist of the members  
14 of the board of educational examiners appointed in accordance  
15 with section 272.3, Code 2011, serving on the effective date  
16 of this division of this Act. Said board members shall serve  
17 as members and fulfill the duties of the board of educational  
18 examiners as created by this division of this Act until such  
19 time as members of the board are appointed as provided by  
20 section 256.104 as enacted by this division of this Act.

21 DIVISION XI

22 SCHOOL INSTRUCTIONAL TIME TASK FORCE

23 Sec. 105. SCHOOL INSTRUCTIONAL TIME TASK FORCE.

24 1. The director of the department of education shall  
25 appoint a school instructional time task force comprised of at  
26 least seven members to conduct a study regarding the minimum  
27 requirements of the school day and the school year. The study  
28 shall include but not be limited to an examination of the  
29 following:

30 a. Whether the minimum length of an instructional day should  
31 be extended and, if so, whether the instructional day should be  
32 extended for all students or for specific groups of students.

33 b. Whether the minimum number of instructional days or  
34 hours in a school year should be increased and, if so, whether  
35 the minimum number of days or hours in a school year should be

1 increased for all students or for specific groups of students.

2 c. Whether the minimum number of instructional days or hours  
3 should be rearranged to result in a shorter summer break, with  
4 other days or weeks off throughout the school year.

5 d. Whether the minimum school year should be defined by a  
6 number of days or by a number of instructional hours.

7 e. Whether there should be a uniform, statewide start date  
8 for the school year that can only be waived for the purpose of  
9 implementing an innovative educational program.

10 f. Whether resources necessary to extend the minimum length  
11 of an instructional day or the minimum length of a school year  
12 are justified when compared to competing education priorities.

13 2. The appointment of members to the task force shall  
14 be made in a manner which provides geographical area  
15 representation and complies with sections 69.16, 69.16A, and  
16 69.16C.

17 3. The task force shall submit its findings and  
18 recommendations in a report to the state board of education,  
19 the governor, and the general assembly by October 15, 2012.

20 DIVISION XII

21 ASSESSMENTS

22 Sec. 106. Section 256.7, subsection 21, paragraphs a and c,  
23 Code Supplement 2011, are amended to read as follows:

24 a. Requirements that all school districts and accredited  
25 nonpublic schools develop, implement, and file with the  
26 department a comprehensive school improvement plan that  
27 includes, but is not limited to, demonstrated school, parental,  
28 and community involvement in assessing educational needs,  
29 ~~establishing local~~ compliance with education standards  
30 in statute and adopted by rule by the state board, and  
31 with student achievement levels, and, as applicable, the  
32 consolidation of federal and state planning, goal-setting, and  
33 reporting requirements.

34 ~~c. A requirement that all school districts and accredited~~  
35 ~~nonpublic schools annually report to the department and the~~

1 ~~local community the district-wide progress made in attaining~~  
2 ~~student achievement goals on the academic and other core~~  
3 ~~indicators and the district-wide progress made in attaining~~  
4 ~~locally established student learning goals. The Use by school~~  
5 districts and accredited nonpublic schools shall demonstrate  
6 the use of multiple statewide assessment measures identified  
7 and approved by the state board in determining student  
8 achievement levels. The school districts and accredited  
9 nonpublic schools shall also report the number of students  
10 who graduate; the number of students who drop out of school;  
11 the number of students who are tested and the percentage of  
12 students who are so tested annually; and the percentage of  
13 students who graduated during the prior school year and who  
14 completed a core curriculum. The board shall develop and  
15 adopt uniform definitions consistent with the federal No Child  
16 Left Behind Act of 2001, Pub. L. No. 107-110 and any federal  
17 regulations adopted pursuant to the federal Act. The school  
18 districts and accredited nonpublic schools may report on other  
19 locally determined factors influencing student achievement.  
20 The school districts and accredited nonpublic schools shall  
21 also report to the local community their results by individual  
22 attendance center.

23 Sec. 107. Section 256.7, subsection 21, Code Supplement  
24 2011, is amended by adding the following new paragraph:

25 NEW PARAGRAPH. *d.* By July 1, 2014, establishment by the  
26 department of an accountability system designed to hold school  
27 districts and accredited nonpublic schools accountable for  
28 student achievement. The accountability system shall, at  
29 a minimum, define and measure student achievement, student  
30 growth, student achievement gaps, college and career readiness,  
31 student well-being, parent satisfaction, school staff working  
32 conditions, school fiscal responsibility, and graduation  
33 and attendance rates. The director may at the director's  
34 discretion, or shall as directed by the state board, convene  
35 a working group to develop recommendations for any of the

1 following:

2 (1) The accountability system established pursuant to this  
3 paragraph.

4 (2) Redesigning the accreditation procedures implemented  
5 under section 256.11.

6 (3) A compliance monitoring process aligned with the  
7 accountability system.

8 (4) Targeting support for school districts identified as  
9 needing assistance under the accountability system.

10 (5) Identifying, studying, and commending high-performing  
11 districts.

12 (6) Developing strategies to take over the operation of  
13 school districts determined pursuant to section 256.11, or  
14 under the accountability system, as persistently failing to  
15 meet educational system or student achievement standards.

16 Sec. 108. Section 256.7, subsection 26, paragraph a,  
17 subparagraph (1), Code Supplement 2011, is amended to read as  
18 follows:

19 (1) The rules establishing high school graduation  
20 requirements shall authorize a school district or  
21 accredited nonpublic school to consider that any student  
22 who satisfactorily completes a high school-level unit of  
23 English or language arts, mathematics, science, or social  
24 studies has satisfactorily completed a unit of the high  
25 school graduation requirements for that area as specified  
26 in this lettered paragraph, and shall authorize the school  
27 district or accredited nonpublic school to issue high school  
28 credit for the unit to the student. The rules shall also  
29 require administration of the college entrance examination in  
30 accordance with section 280.18.

31 Sec. 109. Section 256.7, subsection 26, Code Supplement  
32 2011, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. *d.* Adopt by rule by July 1, 2014, a policy  
34 for the incorporation by school districts of end-of-course  
35 assessments into the district's high school graduation

1 requirements.

2 Sec. 110. Section 256.7, subsection 28, Code Supplement  
3 2011, is amended to read as follows:

4 28. Adopt a set of core content standards applicable to  
5 all students in kindergarten through grade twelve in every  
6 school district and accredited nonpublic school. ~~For purposes~~  
7 ~~of this subsection, "core content standards" includes reading,~~  
8 ~~mathematics, and science.~~ The core content standards shall be  
9 ~~identical to the core content standards included~~ include those  
10 established in Iowa's approved 2006 standards and assessment  
11 system under Tit. I of the federal Elementary and Secondary  
12 Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended  
13 by the federal No Child Left Behind Act of 2001, Pub. L. No.  
14 107-110. ~~School districts and accredited nonpublic schools~~  
15 ~~shall include, at a minimum, the core content standards adopted~~  
16 ~~pursuant to this subsection in any set of locally developed~~  
17 ~~content standards. School districts and accredited nonpublic~~  
18 ~~schools are strongly encouraged to set higher expectations~~  
19 ~~in local standards.~~ As changes in federal law or regulation  
20 occur, the state board is authorized to amend the core content  
21 standards as appropriate.

22 Sec. 111. Section 256.9, Code Supplement 2011, is amended by  
23 adding the following new subsections:

24 NEW SUBSECTION. 67. Require, every three years, a random  
25 sampling of students who are of the appropriate age and who  
26 are enrolled in school districts and schools throughout the  
27 state to take the organisation for economic co-operation and  
28 development programme for international student assessment.

29 NEW SUBSECTION. 68. Develop, by July 1, 2014, high school  
30 end-of-course assessments for subject areas included under the  
31 core content standards.

32 Sec. 112. NEW SECTION. **256.24 Value-added assessment**  
33 **system.**

34 1. For purposes of this section, unless the context  
35 otherwise requires, "value-added assessment" means a method

1 to measure gains in student achievement by conducting a  
2 statistical analysis of achievement data that reveals academic  
3 growth over time for students and groups of students, such as  
4 those in a grade level or in a school.

5 2. A value-added assessment system shall be established and  
6 implemented by the department not later than January 31, 2013,  
7 to provide for multivariate longitudinal analysis of annual  
8 student test scores to determine the influence of a school  
9 district's educational program on student academic growth and  
10 to guide school district improvement efforts. The department  
11 shall select a value-added assessment system provider through a  
12 request for proposals process. The system provider selected  
13 by the department shall offer a value-added assessment system  
14 to calculate annually the academic growth of students, as  
15 determined by the director, and tested in accordance with this  
16 section. The system provider shall, at a minimum, meet all of  
17 the following criteria:

18 a. Use a mixed-model statistical analysis that has the  
19 ability to use all achievement test data for each student,  
20 including the data for students with missing test scores, that  
21 does not adjust downward expectations for student progress  
22 based on race, poverty, or gender, and that will provide the  
23 best linear unbiased predictions of school or other educational  
24 entity effects to minimize the impact of random errors.

25 b. Have the ability to work with test data from a variety of  
26 sources, including data that are not vertically scaled, and to  
27 provide support for school districts utilizing the system.

28 c. Have the capacity to receive and report results  
29 electronically and provide support for districts utilizing the  
30 system.

31 3. The system provider shall create a mechanism to collect  
32 and evaluate data in a manner that reliably aligns the  
33 performance of the teacher with the achievement levels of and  
34 progress of the teacher's students. School districts shall  
35 report teacher-to-student alignment data to the system provider

1 as directed by the department.

2 4. The system provider shall provide analysis to school  
3 districts and to the department of education. The analysis  
4 shall include but not be limited to attendance-center-level  
5 test results for an assessment aligned with the core content  
6 standards in the areas of reading and mathematics and other  
7 core academic areas when possible. The analysis shall also  
8 include but not be limited to the number of students tested,  
9 the number of test results used to compute the averages,  
10 the average standard score, and the corresponding grade  
11 equivalent-score, as well as measures of student progress. The  
12 system provider shall create a chart for each school district.

13 5. A school district shall have complete access to and  
14 full utilization of its own value-added assessment reports and  
15 charts generated by the system provider at the student level  
16 for the purpose of measuring student achievement at different  
17 educational entity levels.

18 6. Where student outcomes measures are available, for  
19 tested subjects and grades, student outcomes measures  
20 shall be considered by the district to validate a teacher's  
21 observational evaluation. Student outcomes measures which are  
22 a component of a teacher's evaluation are not public records  
23 for the purposes of chapter 22.

24 7. Information about student academic growth shall be  
25 used by the school district, including school board members,  
26 administration, and staff, for defining student and district  
27 learning goals and professional development related to student  
28 learning goals across the school district. A school district  
29 shall submit its academic growth measures in the annual report  
30 submitted pursuant to section 256.7, subsection 21, and may  
31 reference in the report state level norms for purposes of  
32 demonstrating school district performance.

33 8. The department shall use student academic growth data to  
34 determine school improvement and technical assistance needs of  
35 school districts, and to identify school districts achieving

1 exceptional gains. Beginning January 15, 2013, and by January  
2 15 of each succeeding year, the department shall submit an  
3 annual progress report regarding the use of student academic  
4 growth information in the school improvement processes to the  
5 general assembly and shall publish the progress report on its  
6 internet site.

7 9. A school district shall use the value-added assessment  
8 system established by the department pursuant to subsection 1  
9 not later than the school year beginning July 1, 2013.

10 Sec. 113. Section 279.60, Code 2011, is amended to read as  
11 follows:

12 **279.60 Kindergarten ~~assessment~~ Assessments — access to data**  
13 **— reports.**

14 1. a. Each school district shall administer a kindergarten  
15 readiness assessment prescribed by the department of education  
16 to every resident prekindergarten or four-year-old child whose  
17 parent or guardian enrolls the child in the district.

18 b. Each school district shall administer the dynamic  
19 indicators of basic early literacy skills kindergarten  
20 benchmark assessment or other kindergarten benchmark assessment  
21 adopted by the department of education in consultation with  
22 the early childhood Iowa state board to every kindergarten  
23 student enrolled in the district not later than the date  
24 specified in section 257.6, subsection 1. The school district  
25 shall also collect information from each parent, guardian,  
26 or legal custodian of a kindergarten student enrolled in the  
27 district, including but not limited to whether the student  
28 attended preschool, factors identified by the early childhood  
29 Iowa office pursuant to section 256I.5, and other demographic  
30 factors. Each school district shall report the results of  
31 the assessment and the preschool information collected to  
32 the department of education in the manner prescribed by the  
33 department not later than January 1 of that school year. The  
34 early childhood Iowa office in the department of management  
35 shall have access to the raw data. The department shall review

1 the information submitted pursuant to this section and shall  
2 submit its findings and recommendations annually in a report to  
3 the governor, the general assembly, the early childhood Iowa  
4 state board, and the early childhood Iowa area boards.

5 2. a. Each school district shall administer the Iowa  
6 assessments created by the state university of Iowa, to all  
7 students enrolled in grade ten in the school years beginning  
8 July 1, 2012, and July 1, 2013.

9 b. This subsection is repealed July 1, 2014.

10 3. By July 1, 2014, each school district shall administer  
11 end-of-course assessments developed pursuant to section 256.9,  
12 subsection 68, as an integral component of each course of study  
13 under the core content standards.

14 Sec. 114. NEW SECTION. 280.18 Assessment requirements.

15 1. The board of directors of a school district and the  
16 authorities in charge of a nonpublic school shall provide  
17 to each student enrolled in grade eleven a college entrance  
18 examination produced to assess English, reading, mathematics,  
19 and science. Each school district and nonpublic school shall  
20 offer to provide to any student enrolled in grade eleven  
21 assessments to assess reading for information, locating  
22 information, and applied mathematics.

23 2. a. If funds are made available to the department of  
24 education for such purpose, the cost of the college entrance  
25 examination administered pursuant to subsection 1 shall be paid  
26 by the department.

27 b. The cost of the career readiness assessments administered  
28 pursuant to subsection 1 shall be paid by the department if  
29 funds are available to the department for that purpose.

30 c. The costs of a college entrance examination taken by a  
31 student in addition to those specified in subsection 1 shall be  
32 the responsibility of the student.

33 3. If funds are available to the department for such  
34 purpose, the department shall make a preparation program for  
35 the college entrance examination available to all students in

1 grade eleven. The department may contract for the necessary  
2 assessment services.

3 4. *a.* The school district or school shall counsel a student  
4 whose scores on the college entrance examination administered  
5 in grade eleven indicate a high degree of readiness for college  
6 to enroll in accelerated courses, with an emphasis on advanced  
7 placement and other college-level classes.

8 *b.* The school district or school shall provide intervention  
9 strategies for accelerated learning in the following  
10 circumstances:

11 (1) To a student whose scores on the career readiness  
12 assessments indicate that additional assistance is required  
13 in reading for information, locating information, or applied  
14 mathematics.

15 (2) To a student whose scores on the college entrance  
16 examination administered in grade eleven indicate that  
17 additional assistance is required in English, reading,  
18 mathematics, and science.

19 5. Accommodations provided by the college entrance  
20 examination provider to a student with a disability taking  
21 the college entrance examination under subsection 1 shall be  
22 provided in the following manner:

23 *a.* In the manner allowed by the college entrance examination  
24 provider, when results in test scores are reportable to  
25 a postsecondary institution for admissions and placement  
26 purposes, except as provided in paragraph "b".

27 *b.* In a manner allowed by an individualized education  
28 program developed for the student if the student is a student  
29 requiring special education under chapter 256B and the  
30 student's disability precludes valid assessment of academic  
31 ability using the accommodations provided under paragraph "a"  
32 when the student's scores are not reportable to a postsecondary  
33 institution for admissions and placement purposes.

34 6. A student's scores on the examinations administered  
35 under subsection 1 shall be recorded by the school district or

1 school in the student's official education record.

2

DIVISION XIII

3

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS AWARDS

4

Sec. 115. Section 256.44, subsection 1, paragraph a, Code

5

2011, is amended to read as follows:

6

a. If a teacher registers for national board for

7

professional teaching standards certification ~~by~~ after December

8

31, 2007, a one-time initial reimbursement award in the amount

9

of up to one-half of the registration fee paid by the teacher

10

for registration for certification by the national board for

11

professional teaching standards. The teacher shall apply to

12

the department ~~within one year of registration~~ in a manner and

13

according to procedures required by the department, submitting

14

to the department any documentation the department requires.

15

A teacher who receives an initial reimbursement award shall

16

receive a one-time final registration award in the amount of

17

the remaining national board registration fee paid by the

18

teacher if the teacher notifies the department of the teacher's

19

certification achievement and submits any documentation

20

requested by the department.

21

Sec. 116. Section 256.44, subsection 1, paragraph b,

22

subparagraph (1), subparagraph division (b), Code 2011, is

23

amended to read as follows:

24

(b) If the teacher registers for national board for

25

professional teaching standards certification ~~between January~~

26

~~1, 1999, and December 31, 2007,~~ and achieves certification

27

within the timelines and policies established by the national

28

board for professional teaching standards, an annual award in

29

the amount of two thousand five hundred dollars upon achieving

30

certification by the national board of professional teaching

31

standards.

32

DIVISION XIV

33

EDUCATOR EMPLOYMENT AND PROFESSIONAL DEVELOPMENT MATTERS

34

Sec. 117. Section 256.7, Code Supplement 2011, is amended by

35

adding the following new subsection:

1     NEW SUBSECTION. 32. Adopt rules providing for the  
2 establishment of a statewide plan for professional development  
3 for practitioners employed in Iowa's school districts. The  
4 statewide plan shall be designed to make every reasonable  
5 effort to utilize best practices, current technologies, and  
6 social media, and shall be implemented by the area education  
7 agencies pursuant to section 273.2.

8     Sec. 118. Section 256.9, Code Supplement 2011, is amended by  
9 adding the following new subsection:

10    NEW SUBSECTION. 69. Approve, amend and approve, or  
11 reject each professional development plan submitted pursuant  
12 to section 273.2, in accordance with the rules adopted  
13 pursuant to section 256.7, subsection 32, providing for the  
14 establishment of a statewide professional development plan  
15 for practitioners. The director may grant a waiver to a  
16 school district exempting the school district from utilizing  
17 the area professional development plan approved pursuant to  
18 this subsection if the director determines that the school  
19 district's professional development plan achieves the goals for  
20 professional development established in accordance with section  
21 256.7, subsection 32.

22    Sec. 119. Section 257.10, subsection 10, paragraph d, Code  
23 2011, is amended to read as follows:

24    *d.* The use of the funds calculated under this subsection  
25 shall comply with the requirements of section 256.7, subsection  
26 32, and chapter 284.

27    Sec. 120. Section 257.10, subsection 10, Code 2011, is  
28 amended by adding the following new paragraph:

29    NEW PARAGRAPH. *e.* For the budget year beginning July 1,  
30 2012, and succeeding budget years, the department of management  
31 shall reduce the distributions from the amount generated by the  
32 total professional development supplement district cost to each  
33 school district for the budget year by ten percent. However,  
34 for purposes of the calculation of the combined district cost  
35 pursuant to section 257.10, subsection 8, and the calculation

1 of the additional property tax pursuant to section 257.4, the  
2 total professional development supplement district cost is the  
3 amount which results after the reduction made pursuant to this  
4 paragraph.

5 Sec. 121. Section 257.16, Code 2011, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 5. There is appropriated to the department  
8 of education for the fiscal year beginning July 1, 2012, and  
9 each fiscal year thereafter, an amount equal to the amount of  
10 the professional development supplement reduction, determined  
11 pursuant to section 257.10, subsection 10, paragraph "e", and  
12 section 257.37A, subsection 2, paragraph "d", for purposes  
13 of implementing a statewide professional development plan in  
14 accordance with section 256.7, subsection 32.

15 Sec. 122. Section 257.37A, subsection 2, paragraph d, Code  
16 2011, is amended to read as follows:

17 *d.* The use of the funds calculated under this subsection  
18 shall comply with requirements of section 256.7, subsection 32,  
19 and chapter 284.

20 Sec. 123. Section 257.37A, subsection 2, Code 2011, is  
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. *e.* For the budget year beginning July 1,  
23 2012, and succeeding budget years, the department of management  
24 shall reduce the distributions from the amount generated by the  
25 total area education agency professional development supplement  
26 district cost to each area education agency for the budget  
27 year by ten percent. However, for purposes of the calculation  
28 of the combined district cost pursuant to section 257.10,  
29 subsection 8, and the calculation of the additional property  
30 tax pursuant to section 257.4, the total area educational  
31 agency professional development supplement district cost is the  
32 amount which results after the reduction made pursuant to this  
33 paragraph.

34 Sec. 124. Section 260C.39, subsection 3, Code 2011, is  
35 amended to read as follows:

1 3. The terms of employment of personnel, for the academic  
2 year following the effective date of the agreement to combine  
3 the merged areas shall not be affected by the combination of  
4 the merged areas, except in accordance with the procedures  
5 under sections 279.15 to ~~279.18~~ 279.17 and section 279.24,  
6 to the extent those procedures are applicable, or under the  
7 terms of the base bargaining agreement. The authority and  
8 responsibility to offer new contracts or to continue, modify,  
9 or terminate existing contracts pursuant to any applicable  
10 procedures under chapter 279, shall be transferred to the  
11 acting, and then to the new, board of the combined merged area  
12 upon certification of a favorable vote to each of the merged  
13 areas affected by the agreement. The collective bargaining  
14 agreement of the merged area receiving the greatest amount of  
15 general state aid shall serve as the base agreement for the  
16 combined merged area and the employees of the merged areas  
17 which combined to form the new combined merged area shall  
18 automatically be accreted to the bargaining unit from that  
19 former merged area for purposes of negotiating the contracts  
20 for the following years without further action by the public  
21 employment relations board. If only one collective bargaining  
22 agreement is in effect among the merged areas which are  
23 combining under this section, then that agreement shall serve  
24 as the base agreement, and the employees of the merged areas  
25 which are combining to form the new combined merged area shall  
26 automatically be accreted to the bargaining unit of that former  
27 merged area for purposes of negotiating the contracts for the  
28 following years without further action by the public employment  
29 relations board. The board of the combined merged area, using  
30 the base agreement as its existing contract, shall bargain with  
31 the combined employees of the merged areas that have agreed  
32 to combine for the academic year beginning with the effective  
33 date of the agreement to combine merged areas. The bargaining  
34 shall be completed by March 15 prior to the academic year in  
35 which the agreement to combine merged areas becomes effective

1 or within one hundred eighty days after the organization of  
2 the acting board of the new combined merged area, whichever  
3 is later. If a bargaining agreement was already concluded in  
4 the former merged area which has the collective bargaining  
5 agreement that is serving as the base agreement for the new  
6 combined merged area, between the former merged area board  
7 and the employees of the former merged area, that agreement  
8 is void, unless the agreement contained multiyear provisions  
9 affecting academic years subsequent to the effective date of  
10 the agreement to form a combined merged area. If the base  
11 collective bargaining agreement contains multiyear provisions,  
12 the duration and effect of the agreement shall be controlled  
13 by the terms of the agreement. The provisions of the base  
14 agreement shall apply to the offering of new contracts, or  
15 the continuation, modification, or termination of existing  
16 contracts between the acting or new board of the combined  
17 merged area and the combined employees of the new combined  
18 merged area.

19 Sec. 125. Section 261.48, subsection 1, paragraph a, Code  
20 2011, is amended to read as follows:

21 a. Is a teacher employed on a full-time basis under sections  
22 279.13 through 279.17 and 279.19 in a school district in this  
23 state, is a teacher in an approved nonpublic school in this  
24 state, or is a licensed teacher at the Iowa braille and sight  
25 saving school or the Iowa school for the deaf.

26 Sec. 126. Section 262.9, subsection 2, Code Supplement  
27 2011, is amended to read as follows:

28 2. Elect a president of each of the institutions of higher  
29 learning; a superintendent of each of the other institutions;  
30 a treasurer and a secretarial officer for each institution  
31 annually; professors, instructors, officers, and employees;  
32 and fix their compensation. Sections 279.12 through 279.17,  
33 279.19, and ~~section~~ 279.27 apply to employees of the Iowa  
34 braille and sight saving school and the state school for  
35 the deaf, who are licensed pursuant to chapter ~~272~~ 256. In

1 following those sections in chapter 279, the references to  
2 boards of directors of school districts shall be interpreted to  
3 apply to the board of regents.

4 Sec. 127. Section 272.15, subsection 1, paragraph a, Code  
5 Supplement 2011, is amended to read as follows:

6 a. The board of directors of a school district or area  
7 education agency, the superintendent of a school district or  
8 the chief administrator of an area education agency, and the  
9 authorities in charge of a nonpublic school shall report to the  
10 board the nonrenewal or termination, for reasons of alleged  
11 or actual misconduct, of a person's contract executed under  
12 sections 279.12, 279.13, 279.15, 279.16, 279.17, 279.19 through  
13 279.21, 279.23, and 279.24, and the resignation of a person who  
14 holds a license, certificate, or authorization issued by the  
15 board as a result of or following an incident or allegation  
16 of misconduct that, if proven, would constitute a violation  
17 of the rules adopted by the board to implement section 272.2,  
18 subsection 14, paragraph "b", subparagraph (1), when the  
19 board or reporting official has a good faith belief that the  
20 incident occurred or the allegation is true. The board may  
21 deny a license or revoke the license of an administrator if  
22 the board finds by a preponderance of the evidence that the  
23 administrator failed to report the termination or resignation  
24 of a school employee holding a license, certificate, statement  
25 of professional recognition, or coaching authorization, for  
26 reasons of alleged or actual misconduct, as defined by this  
27 section.

28 Sec. 128. Section 273.2, Code Supplement 2011, is amended by  
29 adding the following new subsection:

30 NEW SUBSECTION. 10. The area education agency boards shall  
31 each annually submit to the department of education a plan  
32 for a professional development program, to be implemented in  
33 the following fiscal year, which combines the professional  
34 development priorities of the state board of education,  
35 in accordance with section 256.7, subsection 32, with the

1 professional development needs of the schools and school  
2 districts in the area. The area education agency board shall  
3 provide professional development services under the approved  
4 program to local school districts in the area.

5 Sec. 129. Section 273.22, subsection 1, Code 2011, is  
6 amended to read as follows:

7 1. The terms of employment of the administrator and staff  
8 of affected area education agencies for the school year  
9 beginning with the effective date of the formation of the new  
10 area education agency shall not be affected by the formation  
11 of the new area education agency, except in accordance with  
12 the provisions of sections 279.15 through ~~279.18~~ 279.17,  
13 and 279.24, and the authority and responsibility to offer  
14 new contracts or to continue, modify, or terminate existing  
15 contracts pursuant to sections 279.12, 279.13, 279.15,  
16 279.16, 279.17, 279.19 through 279.21, 279.23, and 279.24  
17 for the school year beginning with the effective date of the  
18 reorganization shall be transferred from the boards of the  
19 existing area education agencies to the board of the new area  
20 education agency following approval of the reorganization plan  
21 by the state board as provided in section 273.21, subsection 4.

22 Sec. 130. Section 275.33, subsection 1, Code 2011, is  
23 amended to read as follows:

24 1. The terms of employment of superintendents, principals,  
25 and teachers, for the school year following the effective date  
26 of the formation of the new district shall not be affected by  
27 the formation of the new district, except in accordance with  
28 the provisions of sections 279.15 to ~~279.18~~ 279.17 and 279.24  
29 and the authority and responsibility to offer new contracts or  
30 to continue, modify, or terminate existing contracts pursuant  
31 to sections 279.12, 279.13, 279.15, 279.16, 279.17, 279.19 to  
32 279.21, 279.23, and 279.24 for the school year beginning with  
33 the effective date of the reorganization shall be transferred  
34 from the boards of the existing districts to the board of the  
35 new district on the third Tuesday of January prior to the

1 school year the reorganization is effective.

2 Sec. 131. Section 279.13, subsection 5, Code 2011, is  
3 amended to read as follows:

4 5. Notwithstanding the other provisions of this section, a  
5 temporary contract may be issued to a teacher to fill a vacancy  
6 created by a leave of absence in accordance with the provisions  
7 of section 29A.28, which contract shall automatically terminate  
8 upon return from military leave of the former incumbent of the  
9 teaching position and which contract shall not be subject to  
10 the provisions of sections 279.15 through 279.17, 279.19, ~~or~~  
11 ~~section and~~ 279.27. A separate extracurricular contract issued  
12 pursuant to section 279.19A to a person issued a temporary  
13 contract under this section shall automatically terminate with  
14 the termination of the temporary contract as required under  
15 section 279.19A, subsection 8.

16 Sec. 132. Section 279.13, Code 2011, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 6. Notwithstanding the other provisions  
19 of this section and any contrary provision of the Code, if  
20 the board of directors of a school district or charter school  
21 institutes, by majority vote of the membership of the board,  
22 a reduction in force, a decision by the board not to renew a  
23 teacher contract shall be based upon the following:

24 a. The teacher's effectiveness as demonstrated in  
25 evaluations conducted under the teacher evaluation plan adopted  
26 pursuant to section 284.4, and the teacher's performance review  
27 conducted pursuant to section 284.8.

28 b. The teacher's licensure and endorsements and the needs of  
29 the school district or school, and the needs of the students.

30 c. The teacher's hiring date may be taken into consideration  
31 only if the bases existing under paragraphs "a" and "b" are  
32 substantially equal to the bases existing under paragraphs "a"  
33 and "b" for another teacher.

34 Sec. 133. Section 279.16, subsection 4, Code 2011, is  
35 amended to read as follows:

1 4. The board shall not be bound by common law or statutory  
2 rules of evidence or by technical or formal rules of procedure,  
3 but it shall hold the hearing in such manner as is best suited  
4 to ascertain and conserve the substantial rights of the  
5 parties. Process and procedure under sections 279.13 to 279.17  
6 and 279.19 shall be as summary as reasonably may be.

7 Sec. 134. Section 279.17, subsections 1, 5, and 7, Code  
8 2011, are amended to read as follows:

9 1. If the teacher is no longer a probationary teacher, the  
10 teacher may, within ~~ten~~ five days, appeal the determination of  
11 the board to an adjudicator by filing a notice of appeal with  
12 the secretary of the board. The notice of appeal shall contain  
13 a concise statement of the action which is the subject of the  
14 appeal, the particular board action appealed from, the grounds  
15 on which relief is sought and the relief sought.

16 5. Before the date set for hearing a petition for review  
17 of board action, which shall be within ~~ten~~ five days after  
18 receipt of the record unless otherwise agreed or unless the  
19 adjudicator orders additional evidence be taken before the  
20 board, application may be made to the adjudicator for leave to  
21 present evidence in addition to that found in the record of the  
22 case. If it is shown to the adjudicator that the additional  
23 evidence is material and that there were good reasons for  
24 failure to present it in the private hearing before the board,  
25 the adjudicator may order that the additional evidence be taken  
26 before the board upon conditions determined by the adjudicator.  
27 The board may modify its findings and decision in the case by  
28 reason of the additional evidence and shall file that evidence  
29 and any modifications, new findings, or decisions, with the  
30 adjudicator and mail copies of the new findings or decisions  
31 to the teacher.

32 7. The adjudicator shall, within ~~fifteen~~ five days after the  
33 hearing, make a decision and shall give a copy of the decision  
34 to the teacher and the secretary of the board. The decision  
35 of the adjudicator shall become the final and binding decision

1 of the board ~~unless either party within ten days notifies the~~  
2 ~~secretary of the board that the decision is rejected. The~~  
3 ~~board may reject the decision by majority vote, by roll call,~~  
4 ~~in open meeting and entered into the minutes of the meeting.~~  
5 ~~The board shall immediately notify the teacher of its decision~~  
6 ~~by certified mail. The teacher may reject the adjudicator's~~  
7 ~~decision by notifying the board's secretary in writing within~~  
8 ~~ten days of the filing of such decision.~~

9       Sec. 135. Section 279.17, subsection 4, paragraph a, Code  
10 2011, is amended to read as follows:

11       a. Within thirty five days after filing the notice of  
12 appeal, or within further time allowed by the adjudicator,  
13 the board shall transmit to the adjudicator the original or  
14 a certified copy of the entire record of the private hearing  
15 which may be the subject of the petition. By stipulation  
16 of the parties to review the proceedings, the record of the  
17 case may be shortened. The adjudicator may require or permit  
18 subsequent corrections or additions to the shortened record.

19       Sec. 136. Section 279.17, subsection 6, paragraph b, Code  
20 2011, is amended by striking the paragraph.

21       Sec. 137. Section 279.19, Code 2011, is amended to read as  
22 follows:

23       **279.19 Probationary period.**

24       1. For a teacher first employed by a school district  
25 on or after July 1, 2012, the first ~~three~~ five consecutive  
26 years of employment of a the teacher in ~~the same~~ that school  
27 district are a probationary period. However, if the teacher  
28 has successfully completed a probationary period of employment  
29 for another school district located in Iowa, the probationary  
30 period in the current district of employment shall not exceed  
31 one year. A board of directors may waive the probationary  
32 period for any teacher who previously has served a probationary  
33 period in another school district and the board may extend the  
34 probationary period for an additional year with the consent of  
35 the teacher.

1     2. In the case of the termination of a probationary  
2 teacher's contract, the provisions of sections 279.15 and  
3 279.16 shall apply. ~~However, if the probationary teacher is a~~  
4 ~~beginning teacher who fails to demonstrate competence in the~~  
5 ~~Iowa teaching standards in accordance with chapter 284, the~~  
6 ~~provisions of sections 279.17 and 279.18 shall also apply.~~

7     3. The board's decision shall be final and binding unless  
8 the termination was based upon an alleged violation of a  
9 constitutionally guaranteed right of the teacher or an alleged  
10 violation of public employee rights of the teacher under  
11 section 20.10.

12     4. Notwithstanding any provision to the contrary, the  
13 grievance procedures of section 20.18 relating to job  
14 performance or job retention shall not apply to a teacher  
15 during the first two years of the teacher's probationary  
16 period. However, except as provided in section 284.8, this  
17 paragraph subsection shall not apply to a teacher who has  
18 successfully completed a probationary period in a school  
19 district in Iowa.

20     Sec. 138. Section 279.19A, subsection 2, paragraph a, Code  
21 2011, is amended to read as follows:

22     a. An extracurricular contract shall be continued  
23 automatically in force and effect for equivalent periods,  
24 except as modified or terminated by mutual agreement of  
25 the board of directors and the employee, or terminated in  
26 accordance with this section. An extracurricular contract  
27 shall initially be offered by the employing board to an  
28 individual on the same date that contracts are offered to  
29 teachers under section 279.13. An extracurricular contract  
30 may be terminated at the end of a school year pursuant to  
31 sections 279.15 through 279.17 and 279.19. If the school  
32 district offers an extracurricular contract for a sport for  
33 the subsequent school year to an employee who is currently  
34 performing under an extracurricular contract for that sport,  
35 and the employee does not wish to accept the extracurricular

1 contract for the subsequent year, the employee may resign from  
2 the extracurricular contract within twenty-one days after it  
3 has been received.

4 Sec. 139. Section 279.19B, subsections 2 and 3, Code 2011,  
5 are amended to read as follows:

6 2. An individual who has been issued a coaching  
7 authorization or who possesses a teaching license with a  
8 coaching endorsement but is not issued a teaching contract  
9 under section 279.13 and who is employed by the board of  
10 directors of a school district serves at the pleasure of the  
11 board of directors and is not subject to sections 279.13  
12 through 279.17, 279.19, and 279.27. Subsection 1 of section  
13 279.19A applies to coaching authorizations.

14 3. The licensure and coaching authorization requirements  
15 of this section shall not apply to community colleges.  
16 An individual employed as a coach of a community college  
17 interscholastic athletic activity who is not issued a teaching  
18 contract under section 279.13 serves at the pleasure of the  
19 board of directors of the community college and is not subject  
20 to sections 279.13 through 279.17, 279.19, and 279.27.

21 Sec. 140. Section 279.24, subsection 4, Code 2011, is  
22 amended to read as follows:

23 4. Administrators employed in a school district for  
24 less than ~~two~~ five consecutive years are probationary  
25 administrators. However, a school board may waive the  
26 probationary period for any administrator who has previously  
27 served a probationary period in another school district and  
28 the school board may extend the probationary period for an  
29 additional year with the consent of the administrator. If a  
30 school board determines that it should terminate a probationary  
31 administrator's contract, the school board shall notify the  
32 administrator not later than May 15 that the contract will not  
33 be renewed beyond the current year. The notice shall be in  
34 writing by letter, personally delivered, or mailed by certified  
35 mail. The notification shall be complete when received by

1 the administrator. Within ~~ten~~ five days after receiving the  
2 notice, the administrator may request a private conference  
3 with the school board to discuss the reasons for termination.  
4 The school board's decision to terminate a probationary  
5 administrator's contract shall be final unless the termination  
6 was based upon an alleged violation of a constitutionally  
7 guaranteed right of the administrator.

8 Sec. 141. Section 279.24, subsection 5, paragraphs c  
9 through i, Code 2011, are amended to read as follows:

10 c. Within five days after receipt of the written notice  
11 that the school board has voted to consider termination  
12 of the contract, the administrator may request in writing  
13 to the secretary of the school board that the notification  
14 be forwarded to the ~~board of educational examiners~~ public  
15 employee relations board along with a request that the ~~board~~  
16 ~~of educational examiners~~ public employee relations board  
17 submit a list of five qualified ~~administrative law judges~~  
18 adjudicators to the parties. Within three days from receipt  
19 of the list, the parties shall select an ~~administrative law~~  
20 ~~judge~~ adjudicator by alternately removing a name from the list  
21 until only one name remains. The person whose name remains  
22 shall be the ~~administrative law judge~~ adjudicator. The parties  
23 shall determine by lot which party shall remove the first name  
24 from the list. The hearing shall be held no sooner than ~~ten~~  
25 five days and not later than ~~thirty~~ five days following the  
26 administrator's request unless the parties otherwise agree.  
27 If the administrator does not request a hearing, the school  
28 board, not later than May 31, may determine the continuance or  
29 discontinuance of the contract and, if the board determines to  
30 continue the administrator's contract, whether to suspend the  
31 administrator with or without pay for a period specified by  
32 the board. School board action shall be by majority roll call  
33 vote entered on the minutes of the meeting. Notice of school  
34 board action shall be personally delivered or mailed to the  
35 administrator.

1     ~~d.~~ The ~~administrative law judge~~ adjudicator selected shall  
2 notify the secretary of the school board and the administrator  
3 in writing concerning the date, time, and location of the  
4 hearing. The school board may be represented by a legal  
5 representative, if any, and the administrator shall appear and  
6 may be represented by counsel or by representative, if any.  
7 A transcript or recording shall be made of the proceedings  
8 at the hearing. A school board member or administrator is  
9 not liable for any damage to an administrator or school board  
10 member if a statement made at the hearing is determined to be  
11 erroneous as long as the statement was made in good faith. The  
12 adjudicator may affirm board action or remand the case to the  
13 board for further proceedings. The adjudicator shall reverse,  
14 modify, or grant any appropriate relief from the board action  
15 if substantial rights of the administrator have been prejudiced  
16 because the board's action is any of the following:

- 17     (1) In violation of a board rule or policy or contract.  
18     (2) Unreasonable, arbitrary, or capricious or characterized  
19 by an abuse of discretion or a clearly unwarranted exercise of  
20 discretion.

21     ~~e.~~ The ~~administrative law judge~~ adjudicator shall, within  
22 ~~ten~~ five days following the date of the hearing, make a  
23 proposed decision as to whether or not the administrator  
24 should be dismissed, and shall give a copy of the proposed  
25 decision to the administrator and the school board. Findings  
26 of fact shall be prepared by the ~~administrative law judge~~  
27 adjudicator. The proposed decision of the ~~administrative law~~  
28 ~~judge~~ adjudicator shall become the final decision of the school  
29 board ~~unless within ten days after the filing of the decision~~  
30 ~~the administrator files a written notice of appeal with the~~  
31 ~~school board, or the school board on its own motion determines~~  
32 ~~to review the decision.~~

33     ~~f.~~ If the administrator appeals to the school board, or if  
34 the school board determines on its own motion to review the  
35 proposed decision of the ~~administrative law judge~~, a private

~~1 hearing shall be held before the school board within five days  
2 after the petition for review, or motion for review, has been  
3 made or at such other time as the parties agree. The private  
4 hearing is not subject to chapter 21. The school board may  
5 hear the case de novo upon the record as submitted before the  
6 administrative law judge. In cases where there is an appeal  
7 from a proposed decision or where a proposed decision is  
8 reviewed on motion of the school board, an opportunity shall be  
9 afforded to each party to file exceptions, present briefs, and  
10 present oral arguments to the school board which is to render  
11 the final decision. The secretary of the school board shall  
12 give the administrator written notice of the time, place, and  
13 date of the hearing. The school board shall meet within five  
14 days after the hearing to determine the question of continuance  
15 or discontinuance of the contract and, if the board determines  
16 to continue the administrator's contract, whether to suspend  
17 the administrator with or without pay for a period specified  
18 by the board. The school board shall make findings of fact  
19 which shall be based solely on the evidence in the record and  
20 on matters officially noticed in the record.~~

~~21 g. The decision of the school board shall be in writing  
22 and shall include findings of fact and conclusions of law,  
23 separately stated. Findings of fact, if set forth in statutory  
24 language, shall be accompanied by a concise and explicit  
25 statement of the underlying facts supporting the findings.  
26 Each conclusion of law shall be supported by cited authority  
27 or by reasoned opinion.~~

~~28 h. When the school board has reached a decision, opinion,  
29 or conclusion, it shall convene in open meeting and by roll  
30 call vote determine the continuance or discontinuance of  
31 the administrator's contract and, if the board votes to  
32 continue the administrator's contract, whether to suspend the  
33 administrator with or without pay for a period specified by  
34 the board. The record of the private conference and findings  
35 of fact and exceptions shall be exempt from the provisions of~~

1 ~~chapter 22.~~

2 f. The secretary of the school board shall immediately  
3 personally deliver or mail notice of the ~~school board's~~  
4 adjudicator's action to the administrator.

5 ~~i.~~ ~~The administrator may within thirty days after~~  
6 ~~notification by the school board of discontinuance of the~~  
7 ~~contract appeal to the district court of the county in which~~  
8 ~~the administrative office of the school district is located.~~

9 Sec. 142. Section 279.24, subsection 6, Code 2011, is  
10 amended by striking the subsection.

11 Sec. 143. Section 279.27, Code 2011, is amended to read as  
12 follows:

13 **279.27 Discharge of teacher.**

14 A teacher may be discharged at any time during the  
15 contract year for just cause. The superintendent or the  
16 superintendent's designee, shall notify the teacher immediately  
17 that the superintendent will recommend in writing to the board  
18 at a regular or special meeting of the board held not more  
19 than fifteen days after notification has been given to the  
20 teacher that the teacher's continuing contract be terminated  
21 effective immediately following a decision of the board. The  
22 procedure for dismissal shall be as provided in section 279.15,  
23 subsection 2, and sections 279.16 ~~to~~, 279.17, and 279.19. The  
24 superintendent may suspend a teacher under this section pending  
25 hearing and determination by the board.

26 Sec. 144. Section 284.3, subsection 2, paragraph a, Code  
27 2011, is amended to read as follows:

28 *a.* For purposes of comprehensive evaluations for beginning  
29 teachers required to allow beginning teachers to progress to  
30 career teachers, standards and criteria that are the Iowa  
31 teaching standards specified in subsection 1 and the criteria  
32 for the Iowa teaching standards developed by the department in  
33 accordance with section 256.9, subsection 46. These standards  
34 and criteria shall be set forth in an instrument provided by  
35 the department. The comprehensive evaluation and instrument

1 are not subject to negotiations or grievance procedures  
2 pursuant to chapter 20 or determinations made by the board of  
3 directors under section 279.14. A local school board and its  
4 certified bargaining representative may negotiate, pursuant to  
5 chapter 20, evaluation and grievance procedures for beginning  
6 teachers that are not in conflict with this chapter. ~~If, in~~  
7 ~~accordance with section 279.19, a beginning teacher appeals the~~  
8 ~~determination of a school board to an adjudicator under section~~  
9 ~~279.17, the adjudicator selected shall have successfully~~  
10 ~~completed training related to the Iowa teacher standards, the~~  
11 ~~criteria adopted by the state board of education in accordance~~  
12 ~~with subsection 3, and any additional training required under~~  
13 ~~rules adopted by the public employment relations board in~~  
14 ~~cooperation with the state board of education.~~

15 Sec. 145. Section 284.6, subsection 1, unnumbered paragraph  
16 1, Code Supplement 2011, is amended to read as follows:

17 The department shall ~~coordinate a~~ implement the statewide  
18 ~~network of~~ plan for professional development for Iowa teachers  
19 practitioners established pursuant to section 256.7, subsection  
20 32. A school district shall utilize the area professional  
21 development plan approved by the director of the department  
22 pursuant to section 256.9, subsection 69, unless the school  
23 district is granted a waiver in accordance with section  
24 256.9, subsection 69. A In addition, a school district or  
25 professional development provider that offers a career and  
26 professional development program programs in accordance  
27 with section 256.9, subsection subsections 46, and 69 shall  
28 demonstrate that the ~~program contains~~ programs contain the  
29 following:

30 Sec. 146. Section 284.6, Code Supplement 2011, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 5A. The director may waive the requirements  
33 relating to the development and review of an individual teacher  
34 professional development plan for a school district that  
35 utilizes a peer review teacher evaluation system in which

1 consulting teachers, in conjunction with school administrators,  
2 make formal evaluations of the school district's teachers,  
3 including but not limited to each teacher's professional  
4 growth and employment status. Notwithstanding section 284.8,  
5 subsection 1, if the school district is granted a waiver  
6 pursuant to this subsection, the review conducted pursuant to  
7 section 284.8, subsection 1, shall include a teacher's review  
8 conducted utilizing the peer review teacher evaluation system.

9 Sec. 147. Section 284.8, Code 2011, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 5. Notwithstanding any provision to  
12 the contrary, if a teacher does not successfully complete an  
13 intensive assistance program as required under subsection 4,  
14 the board of directors of a school district may place the  
15 teacher on probationary status in accordance with section  
16 279.19 for the school year following the year in which the  
17 teacher participated in the intensive assistance program.

18 Sec. 148. TRANSITIONAL PROVISION. The probationary period  
19 provisions of section 279.19, Code 2011, shall apply to a  
20 teacher employed by a school district prior to July 1, 2012,  
21 until the end of the teacher's continuous employment by that  
22 school district or until the teacher successfully completes the  
23 probationary period in accordance with section 279.19, Code  
24 2011.

25 Sec. 149. REPEAL. Section 279.18, Code 2011, is repealed.

26 DIVISION XV

27 CHARTER SCHOOL CHANGES

28 Sec. 150. Section 256F.1, subsections 1 and 2, Code 2011,  
29 are amended by striking the subsections.

30 Sec. 151. Section 256F.1, subsection 3, unnumbered  
31 paragraph 1, Code 2011, is amended to read as follows:

32 The purpose of a charter school ~~or an innovation zone school~~  
33 established pursuant to this chapter shall be to accomplish the  
34 following:

35 Sec. 152. Section 256F.1, subsection 4, Code 2011, is

1 amended by striking the subsection and inserting in lieu  
2 thereof the following:

3 4. This section shall not be construed to provide a means  
4 to keep open a school that the board of directors of a school  
5 district closes. However, a school board may endorse or  
6 authorize the establishing of a charter school to replace the  
7 school the board closes. Applicants seeking a charter under  
8 this circumstance shall demonstrate to the state board that  
9 the charter sought is substantially different in purpose and  
10 program from the school the board closes and that the proposed  
11 charter satisfies the requirements of this section. The state  
12 board shall not approve an application submitted under section  
13 256F.5 if the application does not comply with this subsection.

14 Sec. 153. Section 256F.2, subsections 1 and 6, Code 2011,  
15 are amended by striking the subsections and inserting in lieu  
16 thereof the following:

- 17 1. "*Applicant*" means an entity eligible to submit to the  
18 state board an application to charter a school in accordance  
19 with this chapter. "*Applicant*" includes any of the following:
- 20 a. The board of directors of a school district.
  - 21 b. A consortium consisting of the boards of directors of two  
22 or more school districts.
  - 23 c. An area education agency board.
  - 24 d. A consortium consisting of the boards of directors of  
25 an area education agency and one or more school districts, at  
26 least one of which is located within the boundaries of the area  
27 education agency.
  - 28 e. The board of directors of a community college.
  - 29 f. A consortium consisting of the boards of directors of a  
30 community college and one or more school districts, at least  
31 one of which is located within the boundaries of the community  
32 college.
  - 33 g. An institution of higher education governed by the state  
34 board of regents.
  - 35 h. A consortium consisting of an institution of higher

1 education governed by the state board of regents and the board  
2 of directors of one or more school districts.

3 *i.* A consortium consisting of one or more accredited private  
4 institutions as defined in section 261.9, all of which shall be  
5 exempt from taxation under section 501(c)(3) of the Internal  
6 Revenue Code, and the board of directors of one or more school  
7 districts.

8 *j.* A consortium consisting of the governing body of a city  
9 or county with a population over one hundred thousand and the  
10 board of directors of one or more school districts located, at  
11 least in part, within the boundaries of the city or county.

12 *k.* A nonsectarian, nonreligious charitable organization that  
13 is exempt from taxation under section 501(c)(3) of the Internal  
14 Revenue Code.

15 6. "*Operator*" means an applicant approved by the state board  
16 to charter a school under this chapter.

17 Sec. 154. Section 256F.2, subsection 7, Code 2011, is  
18 amended by striking the subsection.

19 Sec. 155. Section 256F.3, Code 2011, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 **256F.3 Duties of the department.**

22 The department shall do the following:

23 1. Develop and implement an orientation program for  
24 operators. An operator shall successfully complete the  
25 orientation program prior to chartering a school pursuant to  
26 this chapter. The program shall include but not be limited  
27 to accountability requirements, reporting requirements, and  
28 financial management. If the operator does not successfully  
29 complete the orientation program in the time specified by the  
30 department, the state board shall reevaluate the operator's  
31 application and may deny the application. If the state board  
32 denies an application under this subsection, the decision of  
33 the state board is final agency action under chapter 17A.

34 2. Develop and implement or approve orientation programs  
35 for members of the boards of directors of charter schools,

1 including but not limited to orientation on the charter school  
2 board's role and responsibilities, employment policies and  
3 practices, and financial management.

4 3. Monitor and evaluate the fiscal, operational, and  
5 student performance of the charter school annually and provide  
6 a written annual performance evaluation to the charter school  
7 board and the state board. The department may for this  
8 purpose annually collect from a charter school a reasonable  
9 fee established by rule by the state board based on the number  
10 of students who are enrolled in the charter school. The fee  
11 structure shall be stated in the charter school contract.

12 4. Provide, every fifth year in which a charter school is  
13 in operation and before the state board considers renewing  
14 a charter school's contract, a formal written review of the  
15 annual evaluations conducted pursuant to subsection 3.

16 Sec. 156. Section 256F.4, subsections 1, 5, and 7, Code  
17 2011, are amended by striking the subsections.

18 Sec. 157. Section 256F.4, subsections 2, 6, and 8, Code  
19 2011, are amended to read as follows:

20 2. Although a charter school ~~or innovation zone school~~  
21 may elect to comply with one or more provisions of statute or  
22 administrative rule, a charter school ~~or innovation zone school~~  
23 is exempt from all statutes and administrative rules applicable  
24 to a school, a school board, or a school district, except that  
25 the charter school ~~or innovation zone school~~ shall meet the  
26 requirements of this chapter and shall do all of the following:

27 a. Meet all applicable federal, state, and local health and  
28 safety requirements and laws prohibiting discrimination on the  
29 basis of race, creed, color, sex, sexual orientation, gender  
30 identity, national origin, religion, ancestry, or disability.  
31 A charter school ~~or innovation zone school~~ shall be subject to  
32 any court-ordered desegregation plan in effect for the school  
33 district at the time the charter school ~~or innovation zone~~  
34 ~~school~~ application is approved.

35 b. Operate as a nonsectarian, nonreligious public school.

1     *c.* Be free of tuition and application fees to Iowa resident  
2 students between the ages of five and twenty-one years.

3     *d.* Be subject to and comply with chapters 216 and 216A  
4 relating to civil and human rights.

5     *e.* ~~Provide~~ Make special education programs and services  
6 available to students requiring special education in accordance  
7 with chapter 256B.

8     *f.* Be subject to the same financial audits, audit  
9 procedures, and audit requirements as a school district. The  
10 audit shall be consistent with the requirements of sections  
11 11.6, 11.14, 11.19, 256.9, subsection 20, section 256F.8, and  
12 section 279.29, except to the extent deviations are necessary  
13 because of the program at the charter school. The department,  
14 the auditor of state, or the legislative services agency may  
15 conduct financial, program, or compliance audits.

16     *g.* ~~Be subject eligible to and comply with participate in~~  
17 the student achievement and teacher quality program under  
18 ~~chapter 284 relating to the student achievement and teacher~~  
19 ~~quality program.~~ A charter school ~~or innovation zone school~~  
20 ~~that complies with chapter 284~~ shall receive state moneys or  
21 be eligible to receive state moneys calculated as provided in  
22 section 257.10, subsections 9 and 10, and section 257.37A ~~as if~~  
23 ~~it did not operate under a charter school or innovation zone~~  
24 ~~school contract.~~

25     *h.* Be subject to and comply with ~~chapters~~ chapter 20 and  
26 ~~279~~ relating to contracts with and discharge of teachers and  
27 administrators.

28     *i.* Be subject to and comply with the provisions of chapter  
29 285 relating to the transportation of students, except that the  
30 provisions of section 285.1, subsections 14, 15, 16, and 17,  
31 shall not apply.

32     ~~*j.* Meetings and records of the advisory council are subject~~  
33 ~~to the provisions of chapters 21 and 22.~~

34     *j.* Comply with sections 279.9, 280.17A, 280.17B, 280.21B,  
35 280.24, and 280.28, and may suspend or expel a student only

1 as provided in section 282.4. A decision made as provided in  
2 section 282.4 is subject to appeal under section 290.1.

3 k. Comply with all statutes and administrative rules  
4 relating to student records, including but not limited to  
5 section 22.7, subsection 1, and sections 256H.1, 280.19A,  
6 280.25, and 280.29, and shall submit data to the department  
7 for purposes of the department's comprehensive management  
8 information system.

9 l. Comply with the requirements of chapter 283A.

10 m. Comply with any statewide accountability requirements in  
11 statute or administrative rule governing high school graduation  
12 requirements, the core curriculum, core content standards,  
13 and assessments. The charter school shall issue high school  
14 diplomas to students who successfully meet the graduation  
15 requirements of the charter school.

16 6. Notwithstanding subsection 2, a charter school ~~or~~  
17 ~~innovation zone school~~ shall meet the requirements of section  
18 256.7, subsection 21.

19 8. A charter school ~~or innovation zone consortium may~~ shall  
20 enter into contracts in accordance with chapter 26.

21 Sec. 158. Section 256F.4, Code 2011, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. 2A. A charter school shall not be used as  
24 a method of providing education to or generating revenue for  
25 students who are receiving competent private instruction in  
26 accordance with chapter 299A.

27 Sec. 159. Section 256F.4, subsections 3 and 4, Code 2011,  
28 are amended by striking the subsections and inserting in lieu  
29 thereof the following:

30 3. The primary focus of a charter school shall be to provide  
31 a comprehensive program of instruction for at least one grade  
32 or age group from five through twenty-one years of age.

33 4. A charter school is a municipality for the purposes of  
34 tort liability under chapter 670.

35 Sec. 160. Section 256F.5, Code Supplement 2011, is amended

1 by striking the section and inserting in lieu thereof the  
2 following:

3 **256F.5 Application.**

4 1. An application to operate a charter school pursuant to  
5 this chapter shall include but not be limited to the following:

6 a. A business plan that documents the proposed charter  
7 school's mission statement; school purposes; program design;  
8 description of a graduation plan, where applicable; financial  
9 plan; governance and management structure; and background  
10 and experience of the applicants and the initial board and  
11 instructional staff, plus any other information the state board  
12 requests. An applicant shall file a separate application for  
13 each school the applicant intends to charter.

14 b. A statement of assurances of legal compliance prescribed  
15 by the state board.

16 c. The applicant's ability to implement the procedures  
17 and satisfy the criteria for chartering a school under this  
18 chapter.

19 d. The measures that will be implemented to provide for  
20 oversight of the charter school's academic, financial, and  
21 operational performance, and to ensure compliance with the  
22 terms of any written contract entered into by the charter  
23 school board of directors and the state board.

24 e. A statement of support or nonsupport from the board of  
25 directors of the school district, in which the charter school  
26 would be located. The statement shall be submitted to the  
27 applicant in a timely manner by the school district board.

28 f. A statement demonstrating community support and student  
29 need.

30 g. A statement of admission policies and procedures.

31 h. The types and amounts of insurance liability coverage to  
32 be obtained by the charter school.

33 i. How special instruction, programs, and services for  
34 children requiring special education and English language  
35 learners under chapter 256B and section 280.4 will be made

1 available and a description of the financial parameters within  
2 which the special instruction, programs, and services will be  
3 made available.

4 2. If the applicant includes a school district pursuant  
5 to section 256F.2, subsection 1, paragraph "a", "b", "d", "f",  
6 "h", "i", or "j", that will, under the plan submitted, convert  
7 an existing attendance center operated by the school district  
8 into a charter school in accordance with this chapter, the  
9 application shall demonstrate the support of at least fifty  
10 percent of the teachers employed at the school on the date  
11 of the submission of the application and fifty percent of  
12 the parents or guardians voting whose children are enrolled  
13 at the school, provided that a majority of the parents or  
14 guardians eligible to vote participate in the ballot process,  
15 according to procedures established by rules of the state  
16 board. Conversion of an existing school to a charter school if  
17 approved pursuant to this chapter shall occur at the beginning  
18 of an academic year.

19 3. a. The state board shall approve or disapprove an  
20 application within ninety business days of receipt of the  
21 application.

22 b. If the state board disapproves the application, the state  
23 board shall notify the applicant of the specific deficiencies  
24 in writing and the applicant shall have twenty business days to  
25 address the deficiencies to the state board's satisfaction.

26 (1) If the applicant addresses the deficiencies within the  
27 time specified, the state board shall at its next regularly  
28 scheduled meeting make a final decision to approve or  
29 disapprove the application.

30 (2) If the applicant fails to address the deficiencies in  
31 the time specified, the state board shall notify the applicant  
32 that the application is denied and the decision of the state  
33 board is final agency action under chapter 17A.

34 c. An applicant whose application is denied pursuant to the  
35 process specified in this subsection shall not submit another

1 application until the expiration of at least one calendar year  
2 after notification of the denial of application.

3 4. The state board shall establish criteria for application  
4 approval that at a minimum consider the following:

5 a. A comprehensive review of the application.

6 b. The available capacity and infrastructure identified in  
7 the plan.

8 c. Contracting process specified in the plan.

9 d. Ongoing oversight and evaluation processes relating to  
10 administration and staffing.

11 e. Charter school contract and contract renewal criteria and  
12 processes.

13 5. Approval of an application and renewal of a charter by  
14 the state board shall not be conditioned upon the bargaining  
15 unit status of the employees of the school.

16 Sec. 161. Section 256F.6, Code 2011, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 **256F.6 Formation of school — board.**

19 1. An operator who successfully completes the orientation  
20 program required pursuant to section 256F.3, subsection  
21 1, before entering into a contract or other agreement for  
22 professional or other services, goods, or facilities, shall  
23 incorporate as a nonprofit corporation under chapter 504 and  
24 shall establish an initial board of directors composed of at  
25 least five voting members, who are not related parties, until a  
26 timely election for members of the ongoing charter school board  
27 of directors is held according to the school's articles and  
28 bylaws.

29 2. Members of the charter school board of directors  
30 established under the school's articles and bylaws shall  
31 be elected before the school completes its third year of  
32 operation. The articles and bylaws shall require that the  
33 board be composed of not less than five voting members. The  
34 articles and bylaws shall include clear policies regarding  
35 conflicts of interest, standards of responsibility, and

1 obedience to law, fairness, and honesty.

2 3. Staff members employed at the school and all parents  
3 or guardians of children enrolled in the school are the  
4 voters eligible to elect the members of the school's board of  
5 directors.

6 4. A charter school shall notify eligible voters of the  
7 school board election dates at least thirty days before the  
8 election. Board elections shall be held during the school year  
9 but may not be conducted on days when the school is closed for  
10 holidays or vacations.

11 5. *a.* Any charter school board of directors shall be  
12 composed of the following:

13 (1) Notwithstanding section 279.7A, at least one licensed  
14 teacher employed at the school.

15 (2) At least one parent or legal guardian of a student  
16 enrolled in the charter school who is not an employee of the  
17 charter school.

18 (3) At least one interested community member who is not  
19 employed by the charter school and does not have a child  
20 enrolled in the school.

21 *b.* The majority of members on the board may be teachers,  
22 notwithstanding section 279.7A.

23 *c.* The chief financial officer and the chief administrator  
24 of the charter school, if elected, shall only serve as ex  
25 officio, nonvoting board members.

26 *d.* Charter school employees shall not serve on the board  
27 except as provided in this subsection.

28 *e.* Except as provided in section 279.7A, contractors  
29 providing facilities, goods, or services to a charter school  
30 shall not serve on the board.

31 *f.* Board articles and bylaws shall outline the process  
32 and procedures for changing the board's governance model,  
33 consistent with chapter 504.

34 6. A charter school board may change the governance model  
35 set forth in the application or in the articles and bylaws

1 of the charter school only if the change conforms with this  
2 section and a majority of the board approves the change; the  
3 licensed teachers employed by the school approve the change;  
4 and the state board approves the change.

5 7. *a.* The state board may permit a charter school board  
6 to expand the operation of the charter school to additional  
7 sites or to add grades at the school beyond those described  
8 in the operator's approved application only after submitting  
9 a supplemental affidavit for approval to the state board  
10 in a form and manner prescribed by the state board. The  
11 supplemental affidavit shall include the following:

12 (1) A proposed expansion plan that demonstrates need and  
13 projected enrollment.

14 (2) Documentation that the expansion is warranted, at a  
15 minimum, by longitudinal data demonstrating students' improved  
16 academic performance and growth on student assessments.

17 (3) Documentation that the charter school is financially  
18 sound and the financing the charter school needs to implement  
19 the proposed expansion exists.

20 (4) Documentation that the charter school has the  
21 governance structure and management capacity to carry out the  
22 expansion.

23 *b.* The state board shall have sixty business days to review  
24 and comment on the supplemental affidavit. The state board  
25 shall notify the charter school board of any deficiencies in  
26 the supplemental affidavit and the charter school board shall  
27 have twenty business days to address, to the state board's  
28 satisfaction, any deficiencies in the supplemental affidavit.  
29 The school shall not expand to additional sites or add grades  
30 until the state board approves the supplemental affidavit.  
31 The state board's approval or disapproval of a supplemental  
32 affidavit is final agency action.

33 8. The charter school board of directors is a government or  
34 governmental body for purposes of chapters 21 and 22.

35 9. Except as provided in subsection 5, members of the board

1 are subject to section 279.7A.

2 Sec. 162. Section 256F.8, Code 2011, is amended by striking  
3 the section and inserting in lieu thereof the following:

4 **256F.8 Audit report.**

5 1. The charter school shall annually submit an audit report  
6 to the state board by December 31.

7 2. The charter school, with the assistance of the auditor  
8 conducting the audit, shall include with the report a copy  
9 of all charter school agreements for corporate management  
10 services. If the entity that provides the professional  
11 services to the charter school is exempt from taxation under  
12 section 501 of the Internal Revenue Code of 1986, that entity  
13 must file with the state board by February 15 a copy of the  
14 annual return required under section 6033 of the Internal  
15 Revenue Code of 1986.

16 3. If the audit report finds that a material weakness  
17 exists in the financial reporting systems of a charter school,  
18 the charter school shall submit a written report to the state  
19 board at its first annual meeting explaining how the material  
20 weakness will be resolved. An auditor conducting the audit  
21 of the charter school, as a condition of providing financial  
22 services to a charter school, shall agree to make available  
23 information about a charter school's financial audit to the  
24 state board upon request.

25 Sec. 163. Section 256F.9, Code 2011, is amended by striking  
26 the section and inserting in lieu thereof the following:

27 **256F.9 Admission requirements.**

28 1. A charter school may limit admission to the following:

29 a. Students within an age group or grade level.

30 b. Students who are either at risk of dropping out or have  
31 dropped out of school.

32 c. Residents of a specific geographic area in which the  
33 school is located when the majority of students served by the  
34 school are eligible for free and reduced price meals under  
35 the federal National School Lunch Act and the federal Child

1 Nutrition Act of 1966, 42 U.S.C. § 1751-1785.

2 2. A charter school shall enroll an eligible student who  
3 submits a timely application, unless the number of applications  
4 exceeds the capacity of a program, class, grade level, or  
5 building. In such case, students shall be accepted by lot.  
6 The charter school shall develop and publish a lottery policy  
7 and process for use when accepting students by lot.

8 3. A charter school shall give enrollment preference to  
9 a sibling of an enrolled student and to a foster child of  
10 that student's parents and may give preference for enrolling  
11 children of the school's staff before accepting other students  
12 by lot.

13 4. A charter school shall not limit admission to students  
14 on the basis of intellectual ability, measures of achievement  
15 or aptitude, or athletic ability and shall not establish any  
16 criteria or requirements for admission that are inconsistent  
17 with this section.

18 5. The charter school shall not distribute any services  
19 or goods of value to students, parents, or guardians as an  
20 inducement, term, or condition of enrolling a student in a  
21 charter school.

22 Sec. 164. Section 256F.10, Code 2011, is amended by striking  
23 the section and inserting in lieu thereof the following:

24 **256F.10 Employment and other operating matters.**

25 A charter school shall employ or contract with necessary  
26 teachers and administrators, as defined by chapter 256, who  
27 hold valid licenses and endorsements to perform the particular  
28 service for which they are employed in the school. The school  
29 may employ necessary employees who are not required to hold  
30 teaching licenses to perform duties other than teaching and may  
31 contract for other services.

32 Sec. 165. NEW SECTION. **256F.11 Leased space.**

33 If space to be leased is constructed as a school facility,  
34 a charter school may lease such space from a school district  
35 or other public organization; private, nonprofit nonsectarian

1 organization; private property owner; or a sectarian  
2 organization.

3 Sec. 166. NEW SECTION. 256F.12 **Affiliated nonprofit**  
4 **building corporation.**

5 1. A charter school may organize an affiliated nonprofit  
6 building corporation to renovate or purchase an existing  
7 facility to serve as a school or to construct a new school  
8 facility as provided in subsection 4 or 5.

9 2. An affiliated nonprofit building corporation shall meet  
10 all of the following conditions:

11 a. Be incorporated under chapter 504 and comply with  
12 applicable internal revenue service regulations.

13 b. Submit annually to the state board a list of current  
14 board members and a copy of the corporation's annual audit.

15 3. An affiliated nonprofit building corporation shall not  
16 serve as the leasing agent for property or facilities it does  
17 not own. The state is immune from liability resulting from a  
18 contract between a charter school and an affiliated nonprofit  
19 building corporation.

20 4. A charter school may organize an affiliated nonprofit  
21 building corporation to renovate or purchase an existing  
22 facility to serve as a school if the charter school meets the  
23 following criteria:

24 a. Has been operating for at least five consecutive school  
25 years.

26 b. Has had a net positive unreserved general fund balance as  
27 of June 30 in the preceding five fiscal years.

28 c. Has a long-range strategic and financial plan.

29 d. Completes a feasibility study of available buildings.

30 e. Documents enrollment projections and the need to use  
31 an affiliated nonprofit building corporation to renovate or  
32 purchase an existing facility to serve as a school.

33 5. A charter school may organize an affiliated nonprofit  
34 building corporation to construct a new school facility if the  
35 charter school meets the following conditions:

- 1     *a.* Lacks facilities available to serve as a school.
- 2     *b.* Has been operating for at least eight consecutive school
- 3     years.
- 4     *c.* Has had a net positive unreserved general fund balance as
- 5     of June 30 in the preceding eight fiscal years.
- 6     *d.* Completes a feasibility study of facility options.
- 7     *e.* Has a long-range strategic and financial plan that
- 8     includes enrollment projections and demonstrates the need for
- 9     constructing a new school facility.

10     Sec. 167. NEW SECTION.   **256F.13 Collective bargaining.**

11     Employees of the board of directors of a charter school may,

12 if otherwise eligible, organize under chapter 20 and comply

13 with its provisions. The board of directors of a charter

14 school is a public employer, for the purposes of chapter 20,

15 upon formation of one or more bargaining units at the school.

16 Bargaining units at the school shall be separate from any other

17 units within the school district in which the charter school

18 is located, except that bargaining units may remain part of

19 the appropriate bargaining unit of the school district within

20 which the charter school is located if the employees of the

21 charter school, the board of directors of the charter school,

22 the exclusive representative of the appropriate bargaining unit

23 in the school district, and the board of the school district

24 agree to include the employees in the appropriate bargaining

25 unit of the school district.

26     Sec. 168. NEW SECTION.   **256F.14 Teacher retirement.**

27     Teachers in a charter school are public school teachers for

28 the purposes of chapter 97B.

29     Sec. 169. NEW SECTION.   **256F.15 Causes for nonrenewal or**

30 **termination of charter school contract.**

31     1. The state board may decline to renew a contract entered

32 into with the board of directors of a charter school at the end

33 of the contract term for any ground listed in subsection 3.

34 The state board may unilaterally terminate a contract during

35 the term of the contract for any ground listed in subsection 3.

1     2. At least sixty business days before not renewing or  
2 terminating a contract, the state board shall notify the board  
3 of directors of the charter school of the proposed action in  
4 writing. The notice shall state the grounds for the proposed  
5 action in reasonable detail and that the charter school's  
6 board of directors may request in writing a hearing before the  
7 state board within fifteen business days of receiving notice  
8 of nonrenewal or termination of the contract. Failure by the  
9 board of directors to make a written request for a hearing  
10 within the time specified shall be treated as acquiescence to  
11 the proposed action. Upon receiving a timely written request  
12 for a hearing, the state board shall give ten business days'  
13 notice to the charter school's board of directors of the  
14 hearing date. The state board shall conduct the hearing before  
15 taking final action. The state board shall take final action  
16 to renew or not renew a contract no later than twenty business  
17 days before the proposed date for terminating the contract or  
18 the end date of the contract.

19     3. A charter school contract entered into with the state  
20 board may be terminated or not renewed by the state board upon  
21 any of the following grounds:

22     *a.* Failure to meet the requirements for student performance  
23 contained in the contract.

24     *b.* Failure to meet generally accepted standards of fiscal  
25 management.

26     *c.* Violations of law.

27     *d.* Other good cause shown, including but not limited to  
28 the existence of one or more other grounds for revocation as  
29 specified in the contract.

30     4. If a contract is terminated or not renewed on grounds  
31 specified in subsection 3, the school shall be dissolved  
32 according to rules adopted by the state board, and the assets  
33 of the charter school shall be disposed of according to the  
34 applicable provisions of chapter 504.

35     5. The state board, after providing reasonable notice to the

1 board of directors of a charter school, and after providing an  
2 opportunity for a public hearing, may terminate the existing  
3 contract with the charter school board if the charter school  
4 has a history of the following:

5     a. Failure to meet student performance requirements  
6 consistent with state law.

7     b. Financial mismanagement or gross failure to meet  
8 generally accepted standards of fiscal management.

9     c. Violations of the law.

10     Sec. 170. NEW SECTION. **256F.16 Student enrollment upon**  
11 **nonrenewal or termination of charter school contract.**

12     If a contract is not renewed or is terminated according to  
13 section 256F.15, a student who attended the charter school  
14 may enroll in the district of residence or may submit an  
15 application to a nonresident district according to section  
16 282.18 at any time, and shall be determined to have shown "*good*  
17 *cause*" for purposes of section 282.18. Applications and notices  
18 required by section 282.18 shall be processed and provided  
19 in a prompt manner. The application and notice deadlines in  
20 section 282.18 do not apply under these circumstances. The  
21 charter school shall transfer the student's educational records  
22 within ten business days of the charter school's closure to the  
23 student's school district of enrollment.

24     Sec. 171. NEW SECTION. **256F.17 Extent of specific legal**  
25 **authority.**

26     1. A charter school board may sue and be sued.

27     2. A charter school board shall not levy taxes or issue  
28 bonds.

29     3. A charter school is a municipality for purposes of  
30 chapter 670.

31     Sec. 172. NEW SECTION. **256F.18 Funding.**

32     A student enrolled in a charter school shall be counted,  
33 for state school foundation aid purposes, in the student's  
34 district of residence. A student's residence, for purposes  
35 of this section, means a residence under section 282.1. The

1 board of directors of the district of residence shall pay to  
2 the charter school the district cost per pupil, the teacher  
3 salary supplement district cost per pupil, the professional  
4 development supplement district cost per pupil, and the early  
5 intervention supplement district cost per pupil under section  
6 257.10, plus any moneys received for the student as a result  
7 of the non-English speaking weighting under section 280.4,  
8 subsection 3, for the previous school year multiplied by the  
9 district cost per pupil for the previous year. In addition,  
10 the board of directors of the district of residence shall pay  
11 to the charter school any other per pupil moneys requested  
12 under the charter school application approved by the state  
13 board.

14 Sec. 173. NEW SECTION. **256F.19 Prior charter schools and**  
15 **innovation zones.**

16 1. A charter school or innovation zone school established  
17 prior to July 1, 2012, shall continue to be governed by chapter  
18 256F, Code 2011 and Code Supplement 2011, until the term of the  
19 contract entered into pursuant to section 256F.8, Code 2011,  
20 ends.

21 2. This section is repealed July 1, 2018.

22 Sec. 174. Section 282.18, subsection 4, paragraph b, Code  
23 2011, is amended to read as follows:

24 *b.* For purposes of this section, "*good cause*" means a change  
25 in a child's residence due to a change in family residence, a  
26 change in the state in which the family residence is located,  
27 a change in a child's parents' marital status, a guardianship  
28 or custody proceeding, placement in foster care, adoption,  
29 participation in a foreign exchange program, or participation  
30 in a substance abuse or mental health treatment program, a  
31 change in the status of a child's resident district such as  
32 removal of accreditation by the state board, surrender of  
33 accreditation, or permanent closure of a nonpublic school,  
34 revocation nonrenewal or termination of a charter school  
35 contract as provided in section ~~256F.8~~ 256F.15, the failure

1 of negotiations for a whole grade sharing, reorganization,  
2 dissolution agreement or the rejection of a current whole grade  
3 sharing agreement, or reorganization plan. If the good cause  
4 relates to a change in status of a child's school district of  
5 residence, however, action by a parent or guardian must be  
6 taken to file the notification within forty-five days of the  
7 last board action or within thirty days of the certification of  
8 the election, whichever is applicable to the circumstances.

9 Sec. 175. Section 670.1, subsection 2, Code 2011, is amended  
10 to read as follows:

11 2. "*Municipality*" means city, county, township, school  
12 district, charter school, and any other unit of local  
13 government except soil and water conservation districts as  
14 defined in section 161A.3, subsection 6.

15 Sec. 176. REPEAL. Section 256F.7, Code 2011, is repealed.

16 DIVISION XVI

17 THIRD GRADE LITERACY

18 Sec. 177. Section 256.7, Code Supplement 2011, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 31. By July 1, 2013, adopt by rule  
21 guidelines for school district implementation of section  
22 279.68, including but not limited to basic levels of reading  
23 proficiency on approved assessments and identification of tools  
24 that school districts may use in evaluating and reevaluating  
25 any student who may be or who is determined to be deficient in  
26 reading, including but not limited to initial assessments and  
27 subsequent assessments, alternative assessments, and portfolio  
28 reviews. The state board shall adopt standards that provide  
29 a reasonable expectation that a student's progress toward  
30 reading proficiency under section 279.68 is sufficient to  
31 master appropriate grade four level reading skills prior to the  
32 student's promotion to grade four.

33 Sec. 178. Section 256.9, subsection 53, paragraph a, Code  
34 Supplement 2011, is amended to read as follows:

35 a. Develop and distribute, or approve, in collaboration

1 with the area education agencies, core curriculum technical  
2 assistance and implementation strategies that school districts  
3 and accredited nonpublic schools shall utilize, including but  
4 not limited to the development and delivery of formative and  
5 end-of-course model assessments classroom teachers may use  
6 to measure student progress on the core curriculum adopted  
7 pursuant to section 256.7, subsection 26. The department  
8 shall, in collaboration with the advisory group convened in  
9 accordance with paragraph "b" and educational assessment  
10 providers, identify and make available to school districts  
11 end-of-course and additional model end-of-course and additional  
12 assessments to align with the expectations included in the Iowa  
13 core curriculum. The model assessments shall be suitable to  
14 meet the multiple assessment measures requirement specified in  
15 section 256.7, subsection 21, paragraph "c".

16 Sec. 179. Section 256.9, subsection 53, Code Supplement  
17 2011, is amended by adding the following new paragraphs:

18 NEW PARAGRAPH. c. Identify the scoring levels on approved  
19 grade three reading assessments that require the retention of a  
20 student pursuant to section 279.68, and develop or identify and  
21 approve alternative performance measures for students who are  
22 not proficient in reading in accordance with section 279.68,  
23 subsection 2. Alternative performance measures approved  
24 pursuant to this paragraph shall include but not be limited to  
25 a demonstration of reading mastery evidenced by portfolios of  
26 student work.

27 NEW PARAGRAPH. d. Establish, subject to an appropriation  
28 of sufficient funds by the general assembly, an Iowa reading  
29 research center to apply current research on literacy to  
30 provide for the development and dissemination of all of the  
31 following:

- 32 (1) Promising instructional strategies in reading.
- 33 (2) Reading assessments.
- 34 (3) Professional development strategies and materials
- 35 aligned with current and emerging best practices for the

1 teaching of reading.

2 Sec. 180. Section 256D.2A, Code 2011, is amended to read as  
3 follows:

4 **256D.2A Program funding.**

5 For the budget year beginning July 1, 2009, and each  
6 succeeding budget year, a school district shall expend funds  
7 received pursuant to section 257.10, subsection 11, at the  
8 kindergarten through grade three levels to reduce class sizes  
9 to the state goal of seventeen students for every one teacher  
10 and to achieve a higher level of student success in the  
11 basic skills, especially reading; and to establish a reading  
12 enhancement and acceleration development initiative pursuant  
13 to section 279.68, subsection 3, paragraph "f". In order to  
14 support these efforts, school districts shall expend funds  
15 received pursuant to section 257.10, subsection 11, as provided  
16 in section 279.68, subsection 3, paragraph "f", and may expend  
17 funds received pursuant to section 257.10, subsection 11,  
18 at the kindergarten through grade three level on programs,  
19 instructional support, and materials that include but are not  
20 limited to the following: additional licensed instructional  
21 staff; additional support for students, such as before and  
22 after school programs, tutoring, and intensive summer programs;  
23 the acquisition and administration of diagnostic reading  
24 assessments; the implementation of research-based instructional  
25 intervention programs for students needing additional support;  
26 the implementation of all-day, everyday kindergarten programs;  
27 and the provision of classroom teachers with intensive training  
28 programs to improve reading instruction and professional  
29 development in best practices including but not limited to  
30 training programs related to instruction to increase students'  
31 phonemic awareness, reading abilities, and comprehension  
32 skills.

33 Sec. 181. NEW SECTION. **279.68 Student progression and**  
34 **retention — remedial instruction — reporting requirements.**

35 1. *Reading deficiency and parental notification.*

1     *a.* A school district shall provide intensive reading  
2 instruction to any student who exhibits a substantial  
3 deficiency in reading, based upon locally determined or  
4 statewide assessments conducted in kindergarten or grade one,  
5 grade two, or grade three, or through teacher observations,  
6 immediately following the identification of the reading  
7 deficiency. The student's reading proficiency shall be  
8 reassessed by locally determined and statewide assessments.  
9 The student shall continue to be provided with intensive  
10 reading instruction until the reading deficiency is remedied.

11     *b.* The parent or guardian of any student in kindergarten  
12 through grade three who exhibits a substantial deficiency in  
13 reading, as described in paragraph "a", shall be notified at  
14 least annually in writing of the following:

15         (1) That the child has been identified as having a  
16 substantial deficiency in reading.

17         (2) A description of the services currently provided to the  
18 child.

19         (3) A description of the proposed supplemental  
20 instructional services and supports that the school district  
21 will provide to the child that are designed to remediate the  
22 identified area of reading deficiency.

23         (4) That if the child's reading deficiency is not remediated  
24 by the end of grade three, the child shall be retained unless  
25 the child is exempt from mandatory retention for good cause  
26 pursuant to subsection 2, paragraph "b". If the child is  
27 ineligible for a good cause exemption, the notification shall  
28 state why the child is ineligible.

29         (5) Strategies for parents and guardians to use in helping  
30 the child succeed in reading proficiency, including but not  
31 limited to the promotion of parent-guided home reading.

32         (6) That the assessment used pursuant to section 256.9,  
33 subsection 53, is not the sole determiner of promotion and  
34 that additional evaluations, portfolio reviews, performance  
35 measures, and assessments are available to the child to assist

1 parents and the school district in knowing when a child is  
2 reading at or above grade level and ready for grade promotion.

3 (7) The district's specific criteria and policies for  
4 midyear promotion. For purposes of this section, "*midyear*  
5 *promotion*" means promotion to the next grade level of a retained  
6 student at any time during the year of retention once the  
7 student has demonstrated the ability to read at grade level.

8 c. If the student's reading deficiency, as identified in  
9 paragraph "a", is not remedied by the end of grade three,  
10 as demonstrated by scoring on an assessment approved by the  
11 department pursuant to section 256.9, subsection 53, the  
12 student shall be retained in grade three.

13 2. *Good cause exemption.*

14 a. The school district shall only exempt students from  
15 mandatory retention, as provided in subsection 1, paragraph  
16 "c", for good cause. Good cause exemptions shall be limited to  
17 the following:

18 (1) Limited English proficient students who have had  
19 less than two years of instruction in an English as a second  
20 language program.

21 (2) Students requiring special education whose  
22 individualized education program indicates that participation  
23 in the assessment approved pursuant to section 256.9,  
24 subsection 53, is not appropriate, consistent with the  
25 requirements of rules adopted by the state board of education  
26 for the administration of chapter 256B.

27 (3) Students who demonstrate an acceptable level of  
28 performance on an alternative performance measure approved by  
29 the director of the department of education pursuant to section  
30 256.9, subsection 53.

31 (4) Students who demonstrate mastery through a student  
32 portfolio under alternative performance measures approved  
33 pursuant to section 256.9, subsection 53.

34 (5) Students who have received intensive remediation  
35 in reading for two or more years but still demonstrate a

1 deficiency in reading and who were previously retained in  
2 kindergarten, grade one, grade two, or grade three. Intensive  
3 reading instruction for students so promoted must include  
4 an altered instructional day that includes specialized  
5 diagnostic information and specific reading strategies for  
6 each student. The school district shall assist attendance  
7 centers and teachers to implement reading strategies that  
8 research has shown to be successful in improving reading among  
9 low-performing readers.

10 *b.* Requests for good cause exemptions from the mandatory  
11 retention requirement for students as described in paragraph  
12 "a", subparagraphs (3) and (4), shall be made consistent with  
13 the following:

14 (1) Documentation shall be submitted from the student's  
15 teacher to the school principal that indicates that the  
16 promotion of the student is appropriate and is based upon the  
17 student's academic record. Such documentation shall include  
18 but not be limited to the individualized education program, if  
19 applicable, report card, or student portfolio.

20 (2) The school principal shall review and discuss the  
21 recommendation submitted pursuant to subparagraph (1) with  
22 the teacher and the school principal shall determine whether  
23 the student should be promoted or retained. If the principal  
24 determines that the student should be retained, the principal  
25 shall notify the student's teacher and parent or guardian of  
26 the decision in writing and the student shall be ineligible for  
27 the good cause exemption from mandatory retention.

28 (3) If the school principal determines that the  
29 student should be promoted, the school principal shall  
30 make such recommendation in writing to the district school  
31 superintendent. The district school superintendent shall  
32 accept or reject the school principal's recommendation and  
33 shall notify the school principal and the student's teacher  
34 and parent or guardian of the school superintendent's decision  
35 in writing. If the school superintendent determines that the

1 student should be retained, the student shall be ineligible for  
2 the good cause exemption from mandatory retention. The parent  
3 or guardian of the student may appeal the superintendent's  
4 decision to the board of directors of the school district.  
5 If the superintendent's decision is affirmed by the school  
6 board, the decision is final and is not subject to appeal under  
7 section 290.1.

8     *c.* This section does not preclude the parent or guardian of  
9 a student with a reading deficiency from requesting that the  
10 student be retained at grade level.

11     3. *Successful progression for retained readers.* A school  
12 district shall do all of the following:

13     *a.* Conduct a review, within one week following the last  
14 instructional day of the school calendar, of student progress  
15 for any student retained under subsection 1, paragraph "c", who  
16 did not meet the criteria for one of the good cause exemptions  
17 in subsection 2, paragraph "a". The review shall address  
18 additional supports and services, as described in subparagraph  
19 (2), needed to remediate the identified areas of reading  
20 deficiency. The school district shall require a student  
21 portfolio to be completed for each such student.

22     *b.* Provide students who are retained under subsection  
23 1, paragraph "c", with intensive instructional services  
24 and supports, free of charge, to remediate the identified  
25 areas of reading deficiency, including a minimum of a daily  
26 ninety-minute block of scientific-research-based reading  
27 instruction and other strategies prescribed by the school  
28 district which may include but are not limited to the  
29 following:

- 30       (1) Small group instruction.
- 31       (2) Reduced teacher-student ratios.
- 32       (3) More frequent progress monitoring.
- 33       (4) Tutoring or mentoring.
- 34       (5) Transition classes containing students in grades three  
35 and four.

1 (6) Extended school day, week, or year.

2 (7) Summer reading programs.

3 *c.* At regular intervals, apprise the parent or guardian of  
4 academic and other progress being made by the student and give  
5 the parent or guardian other useful information.

6 *d.* Implement a policy for the midyear promotion of any  
7 student retained under subsection 1, paragraph "c", who can  
8 demonstrate that the student is a successful and independent  
9 reader, reading at or above grade level, and ready to be  
10 promoted to grade four. Tools that school districts may use  
11 in reevaluating any student retained may include subsequent  
12 assessments, alternative assessments, and portfolio reviews,  
13 identified by rule pursuant to section 256.7, subsection 31.  
14 Students promoted during the school year after November 1 shall  
15 demonstrate proficiency pursuant to guidelines adopted by rule  
16 pursuant to section 256.7, subsection 31.

17 *e.* In addition to required reading enhancement and  
18 acceleration strategies, provide parents of students who are  
19 retained under subsection 1, paragraph "c", with a plan outlined  
20 in a parental contract, including participation in regular  
21 parent-guided home reading.

22 *f.* Establish, using funds received pursuant to section  
23 257.10, subsection 11, a reading enhancement and acceleration  
24 development initiative designed to prevent the retention of  
25 grade three students and to offer intensive accelerated reading  
26 instruction to grade three students who fail to meet standards  
27 for promotion to grade four and to each kindergarten through  
28 grade three student who is assessed as exhibiting a reading  
29 deficiency. The initiative shall comply with all of the  
30 following criteria:

31 (1) Be provided to all kindergarten through grade three  
32 students at risk of retention under this section. The  
33 assessment initiative shall measure phonemic awareness,  
34 phonics, fluency, vocabulary, and comprehension.

35 (2) Be provided during regular school hours in addition to

1 the regular reading instruction.

2 (3) Provide a reading curriculum that meets guidelines  
3 adopted pursuant to section 256.7, subsection 31, and at a  
4 minimum has the following specifications:

5 (a) Assists students assessed as exhibiting a reading  
6 deficiency in developing the ability to read at grade level.

7 (b) Provides skill development in phonemic awareness,  
8 phonics, fluency, vocabulary, and comprehension.

9 (c) Includes a scientifically based and reliable  
10 assessment.

11 (d) Provides initial and ongoing analysis of each student's  
12 reading progress.

13 (e) Is implemented during regular school hours.

14 (f) Provides a curriculum in core academic subjects to  
15 assist the student in maintaining or meeting proficiency levels  
16 for the appropriate grade in all academic subjects.

17 *g.* Report to the department of education the specific  
18 intensive reading interventions and supports implemented by the  
19 school district pursuant to this section. The department shall  
20 annually prescribe the components of required or requested  
21 reports, including but not limited to a report on the number of  
22 students retained under this section.

23 *h.* Provide a student who has been retained in grade three  
24 and who has received intensive instructional services but is  
25 still not ready for grade promotion, as determined by the  
26 school district, the option of being placed in a transitional  
27 instructional setting. Such setting shall specifically be  
28 designed to produce learning gains sufficient to meet grade  
29 four performance standards while continuing to remediate the  
30 areas of reading deficiency.

31 DIVISION XVII

32 STATE MANDATE

33 Sec. 182. STATE MANDATE FUNDING SPECIFIED. In accordance  
34 with section 25B.2, subsection 3, the state cost of requiring  
35 compliance with any state mandate included in this Act shall

1 be paid by a school district from state school foundation aid  
2 received by the school district under section 257.16. This  
3 specification of the payment of the state cost shall be deemed  
4 to meet all of the state funding-related requirements of  
5 section 25B.2, subsection 3, and no additional state funding  
6 shall be necessary for the full implementation of this Act  
7 by and enforcement of this Act against all affected school  
8 districts.

9

EXPLANATION

10 This bill relates to programs and activities under  
11 the purview of the department of education, the board of  
12 educational examiners, school districts, and accredited  
13 nonpublic schools.

14 DIVISION I — COMPETENCY-BASED INSTRUCTION. 2011 Iowa Acts,  
15 chapter 71 (SF 453), directs the state board of education to  
16 adopt rules requiring public and accredited nonpublic high  
17 schools to consider any student who satisfactorily completes a  
18 high school-level unit to have satisfactorily completed a unit  
19 of the high school graduation requirements for that subject  
20 matter area and to issue high school credit for the unit to  
21 the student. This requirement is limited to the subjects of  
22 English or language arts, mathematics, science, or social  
23 studies. The bill removes that limitation.

24 The bill permits a school district or accredited nonpublic  
25 school to allow high school credit to be awarded to a student  
26 upon the demonstration of required competencies for a course or  
27 content area, as approved by an appropriately licensed teacher.  
28 The bill specifies that the school district or accredited  
29 nonpublic school determines the assessment methods by which  
30 the student demonstrates sufficient evidence of the required  
31 competencies.

32 The bill defines "unit" for the purposes of course  
33 requirements for students in public and nonpublic schools in  
34 grades 9 through 12. To qualify as a unit, a course must be  
35 taught for at least 200 minutes per week for 36 weeks or be

1 taught for the equivalent of 120 hours of instruction.

2 The bill provides that a student will receive credit or  
3 partial credit upon successful completion of a course which  
4 meets one of the criteria for "unit" as defined in the bill  
5 or related components equivalent to a course which meets one  
6 of the criteria. Partial credit must be calculated in a  
7 manner consistent with the criteria set out in the bill. The  
8 bill further provides that a student may receive credit on a  
9 performance basis through the administration of an assessment,  
10 provided the assessment covers the competencies ordinarily  
11 included in the regular course.

12 DIVISION II — CORE CURRICULUM. The bill establishes  
13 the core curriculum advisory council under the department of  
14 education. Upon request by the director of the department of  
15 education, the council is to make nonbinding recommendations  
16 to the director regarding necessary changes to the core  
17 curriculum. The council is directed to seek to further the  
18 goals of the core curriculum and any objectives established by  
19 the director in making recommendations. The council consists  
20 of no less than seven members appointed by and serving at the  
21 pleasure of the director. The council must be balanced by  
22 gender and political party. The council is to meet at least  
23 quarterly and at the call of the chair of the council. Members  
24 of the council serve without compensation but may be reimbursed  
25 for their actual expenses incurred in the performance of their  
26 duties.

27 The bill adds the subjects of music and other fine arts,  
28 applied arts, foreign languages, physical education, character  
29 education, and entrepreneurship education to the skills and  
30 knowledge the core curriculum for kindergarten through grade 12  
31 must address.

32 The director must create and disseminate to school  
33 districts, charter schools, and accredited nonpublic schools a  
34 model curriculum that is directly tied to the goals, outcomes,  
35 and assessment strategies identified in the core content

1 standards. The model curriculum shall provide guidance to  
2 school districts and schools and expand on the core content  
3 standards. The model curriculum shall be modified as necessary  
4 to incorporate the core curriculum framework.

5 DIVISION III — PARENT ADVOCACY NETWORK. The bill requires  
6 the director of the department of education to establish a  
7 statewide parent advocacy network to create an integrated,  
8 accessible set of community-wide resources to support learning  
9 and development by July 1, 2013. The bill provides that the  
10 statewide parent advocacy network shall include at least one  
11 parent representative from each school district in the state.  
12 The bill requires the director to coordinate with the board  
13 of directors of each public school district to facilitate the  
14 establishment and maintenance of the statewide parent advocacy  
15 network. The bill directs the board of directors of each  
16 public school district to assist the director in identifying at  
17 least one representative from each school district in the state  
18 to serve on the statewide parent advocacy network.

19 DIVISION IV — TEACHER AND ADMINISTRATOR PERFORMANCE. The  
20 bill directs the state board to adopt new Iowa teaching and  
21 administration standards by January 1, 2013, and to implement  
22 statewide teacher and administrator evaluation system pilot  
23 programs during the 2013-2014 school year; provides for  
24 the appointment of a teacher performance, compensation, and  
25 career development task force to develop recommendations for  
26 a new teacher compensation system; directs the director of  
27 the department of education to develop a statewide teacher  
28 evaluation system and a statewide administrator evaluation  
29 system that school districts, charter schools, and accredited  
30 nonpublic schools shall use to standardize the instruments  
31 and processes used to evaluate teachers and administrators  
32 throughout the state; provides for the creation of a task force  
33 to conduct a study regarding a statewide teacher evaluation  
34 system and a statewide administrator evaluation system; and  
35 requires that public school teachers and administrators be

1 evaluated annually rather than every three years, and that the  
2 evaluation of a teacher be conducted by at least one person who  
3 holds a valid certification issued for successfully completing  
4 an evaluator training program.

5 The bill sets out the minimum components of the statewide  
6 teacher evaluation system, including direct observation of  
7 classroom teaching behaviors, strong consideration of student  
8 outcome measures, integration of the Iowa teaching standards,  
9 and system applicability to teachers in all content areas  
10 taught by a school. The bill allows school districts to  
11 implement an alternative teacher or administrator evaluation  
12 system if the department approves the alternative system.

13 The director is tasked with appointing members to, and  
14 providing staffing for, the teacher performance, compensation,  
15 and career development task force, including members  
16 representing teachers, parents, school administrators, and  
17 business and community leaders. The task force is directed to  
18 address the duties and responsibilities of apprentice, career,  
19 mentor, and master teachers; utilizing retired teachers as  
20 mentors; uses and realignment of finite resources; mechanisms  
21 to substantially increase the average salary of teachers who  
22 assume leadership roles; and standardizing implementation of  
23 task force recommendations in all of Iowa's school districts  
24 and public charter schools. The task force must submit its  
25 findings and recommendations in a report to the state board of  
26 education, the governor, and the general assembly by October  
27 15, 2012.

28 The statewide educator evaluation system task force  
29 must submit its findings, recommendations, and a proposal  
30 for a statewide teacher evaluation system and a statewide  
31 administrator evaluation system to the state board of  
32 education by October 15, 2012. The task force must include  
33 a tiered evaluation system differentiating levels of teacher  
34 effectiveness in its recommendations and proposal.

35 The provisions providing for appointment of the task forces

1 take effect upon enactment.

2 The bill repeals the current Iowa teaching standards on  
3 July 1, 2013. The bill also repeals a Code provision that  
4 established a career ladder pilot program to be administered  
5 by the department of education from 2007 through 2009. The  
6 final report on the pilot program was submitted to the general  
7 assembly in March 2010.

8 The bill makes a technical correction to a reference  
9 relating to transfer of the duties of certain licensing  
10 responsibilities to the state board of education and department  
11 of education under division X of this bill.

12 DIVISION V — INNOVATION ACCELERATION PROGRAM — FUND. The  
13 bill establishes an innovation acceleration program in the  
14 department of education and creates an innovation acceleration  
15 fund in the state treasury under the control of the department.

16 The purpose of the innovation acceleration program is to  
17 provide competitive grants to applicants with a record of  
18 improving student achievement and educational attainment in  
19 order to expand the implementation of, and investment in,  
20 innovative practices that are demonstrated to have an impact  
21 on improving student achievement or student growth, closing  
22 achievement gaps, decreasing dropout rates, increasing parental  
23 involvement, increasing attendance rates, increasing high  
24 school graduation rates, or increasing college enrollment and  
25 completion rates.

26 The program shall be designed to enable grantees to expand  
27 and develop innovative practices that can serve as models of  
28 best practices, work in partnership with the private sector and  
29 the philanthropic community, and identify and document best  
30 practices that can be shared and expanded based on demonstrated  
31 success.

32 The innovation acceleration fund shall be administered  
33 by the director of education and shall consist of moneys  
34 appropriated by the general assembly and any other moneys  
35 available to and obtained or accepted by the department for the

1 program.

2 DIVISION VI — ONLINE LEARNING. The bill relates to the  
3 development, establishment, and approval of high-quality online  
4 learning programs delivered online by school districts, charter  
5 schools, and accredited nonpublic schools.

6 The bill eliminates a provision that requires the state  
7 board of education to adopt rules prohibiting the use of  
8 telecommunications by school districts as the exclusive  
9 means to provide any course which is required by the minimum  
10 educational standards for accreditation, and replaces it with a  
11 provision directing the state board to adopt rules providing  
12 for the establishment of an online learning program model.  
13 The director of the department is tasked with developing and  
14 establishing the model.

15 The director is authorized to waive certain standards for  
16 school districts, charter schools, and accredited nonpublic  
17 schools that implement an online learning program aligned  
18 with the program model. The standards that may be waived  
19 include the 180-day school calendar requirement; the minimum  
20 number of instructional hours required for a school day; any  
21 statutory requirement that students be physically present in  
22 a school building and under the guidance and instruction of  
23 the instructional professional staff employed by the school  
24 district or the school except as established by rule for the  
25 online learning program model; and any statutory requirement  
26 that a subject being studied by a student enrolled in an  
27 approved online learning program be a subject that is offered  
28 and taught by the professional staff of the school district or  
29 school.

30 The director shall require that a school district or school  
31 granted a waiver must implement and incorporate into its  
32 comprehensive school improvement plan accountability measures  
33 designed to demonstrate that academic credit is awarded  
34 based upon successful completion of content or achievement  
35 of competencies by students enrolled in the approved online

1 learning program.

2 The director must also establish criteria for school  
3 districts or schools to use when choosing providers of online  
4 learning to meet the online learning program requirements  
5 specified in rule by the state board.

6 The online learning program model established by the  
7 director must provide for online access to high-quality  
8 content, instructional materials, and blended learning;  
9 education customized to the needs of the student using online  
10 content; a means for a student to demonstrate competency in  
11 completed coursework; high-quality online instruction taught by  
12 appropriately licensed teachers; online content and instruction  
13 evaluated on student learning outcomes; use of funds available  
14 for program implementation and innovation; infrastructure that  
15 supports online learning; and online administration of online  
16 course assessments.

17 At the discretion of the school board or authorities in  
18 charge of a school, after consideration for circumstances  
19 created by necessity, convenience, and cost-effectiveness,  
20 courses developed by private providers may be utilized by the  
21 school district or school in implementing an online learning  
22 curriculum. Courses obtained from private providers shall be  
23 taught by licensed Iowa teachers.

24 Grades in online courses shall be based, at a minimum,  
25 on whether a student mastered the subject, demonstrated  
26 competency, and met the standards established by the school  
27 district.

28 All online courses and programs shall meet existing  
29 accreditation standards.

30 The bill includes conforming amendments.

31 DIVISION VII — EDUCATIONAL STANDARDS EXEMPTIONS. The bill  
32 permits the director of the department of education to grant  
33 school districts exemptions from one or more of the educational  
34 standards for all grades, from prekindergarten through grade  
35 12, if the school district meets certain requirements specified

1 for charter schools, including provisions that require a  
2 charter school to meet all applicable federal, state, and  
3 local health and safety requirements and laws prohibiting  
4 discrimination; operate as a nonsectarian, nonreligious  
5 public school; be free of tuition and application fees to Iowa  
6 resident students between the ages of 5-21 years; be subject  
7 to and comply with Code chapters 216 and 216A relating to  
8 civil and human rights; provide special education services; be  
9 subject to the same financial audits, audit procedures, and  
10 audit requirements as a school district; be subject to and  
11 comply with provisions relating to the student achievement  
12 and teacher quality program; be subject to and comply with  
13 state law relating to contracts with and discharge of teachers  
14 and administrators; be subject to and comply with state  
15 law relating to the transportation of students; comply with  
16 state and federal law relating to the suspension or expulsion  
17 of a student; comply with all statutes and administrative  
18 rules relating to student records; submit data to the  
19 department for purposes of the department's comprehensive  
20 management information system; comply with administrative  
21 rules relating to courses or programs offered online or use  
22 of telecommunications as an instructional tool; and comply  
23 with any statewide accountability requirements in statute  
24 or administrative rule governing high school graduation  
25 requirements, the core curriculum, core content standards, and  
26 assessments.

27 Currently, the director may grant school districts and  
28 accredited nonpublic schools an exemption from one or more of  
29 the educational standards for grades 9 through 12, including  
30 but not limited to unit requirements for science, social  
31 studies, English-language arts, mathematics, foreign language,  
32 vocational service, and health and physical education.

33 The bill requires the director to submit a report by February  
34 1, annually, to the state board, the governor, and the general  
35 assembly that lists all of the exemptions granted to school

1 districts and accredited nonpublic schools and the reasons for  
2 which each exemption was granted.

3 The bill makes a reference to charter school requirements  
4 included in division XV of the bill.

5 DIVISION VIII — EDUCATOR IDENTIFIER SYSTEM AND EDUCATION  
6 PLACEMENT CLEARINGHOUSE. The bill establishes an educator  
7 identifier system and an education placement clearinghouse  
8 within the department of education, subject to an appropriation  
9 of sufficient funds by the general assembly.

10 The bill defines "educator" to mean a teacher or principal.

11 The educator identifier system shall be designed for  
12 the purpose of providing information for studying teacher  
13 shortage areas and identifying any possible solutions; studying  
14 practitioner preparation programs, educator professional  
15 development programs, and educator mobility and retention  
16 issues; improving teaching and student learning, including the  
17 use of data to recognize, reward, and develop the careers of  
18 individual educators; collecting data for use in developing a  
19 longitudinal data system that may be used with the educator  
20 identifier system to match educators to students; allowing  
21 the state to gather baseline data about the distribution of  
22 highly qualified teachers, including the number and percent of  
23 teachers in the highest-poverty and lowest-poverty schools in  
24 the state, and to take actions to address any inequities in the  
25 distribution of highly qualified teachers throughout the state;  
26 and enabling teachers to enhance student instruction through  
27 the use of performance and longitudinal growth data.

28 Under the educator identifier system, a person who applies  
29 for or who holds an Iowa teacher or administrator license is  
30 assigned a unique identifier.

31 The unique identifier shall not use any personal identifying  
32 information, such as social security numbers or contact  
33 information, except for alignment purposes in data processing.

34 The bill does not restrict the authority of a school  
35 district, AEA, or charter school to assign individual educators

1 to specific grades, levels, programs, or schools; direct  
2 the professional development of individual educators; or  
3 collaboratively design and develop, with representation from  
4 the teachers and principals employed by the school district,  
5 AEA, charter school, alternative compensation plans through  
6 the procedures adopted by the school district, AEA, or charter  
7 school for setting educator compensation.

8 The director, after consultation with practitioner  
9 preparation programs, shall establish protocols for releasing  
10 system data to graduates' respective practitioner preparation  
11 programs for the purpose of program evaluation. The department  
12 may use system data to identify practices that show promise of  
13 improving student outcomes or educator performance.

14 The system shall comply with all state and federal privacy  
15 laws. Aggregate, nonidentifying information obtained from the  
16 system shall be made available at multiple levels, including  
17 state, school district, AEA, charter school, practitioner  
18 preparation program, nongovernmental entity, and individual  
19 levels, through varying degrees of access, as designated by the  
20 director.

21 The education placement clearinghouse shall be designed  
22 and implemented for the posting of all education job openings  
23 offered by the school districts, AEAs, charter schools, and  
24 accredited nonpublic schools in the state. Every school  
25 district, AEA, charter school, and accredited nonpublic school  
26 shall submit its job openings to the department for posting  
27 on the department's internet site. Every educator shall  
28 apply once to the department, indicating the educator's job  
29 interests. The director shall provide each educator with an  
30 option to update submitted information. The director shall  
31 develop and implement a screening process that uses but is not  
32 limited to the data collected from the educator identifier  
33 system to identify high-quality educators.

34 Only applicants who apply and meet clearinghouse application  
35 requirements are eligible to be interviewed for jobs posted

1 on the department's internet site. A school district, AEA,  
2 charter school, or accredited nonpublic school can request  
3 more information from the applicant that was not collected and  
4 is not maintained by the clearinghouse, but cannot request  
5 information that duplicates that which is in the clearinghouse.  
6 The bill states that the bill language shall not be construed  
7 to discourage school districts, AEAs, charter schools, and  
8 accredited nonpublic schools from advertising or otherwise  
9 making known the positions available through the clearinghouse.

10 The bill includes references relating to the transfer of  
11 licensing duties to the state board of education and the  
12 department of education under division X of the bill.

13 DIVISION IX — CLASS SHARING AGREEMENTS. The bill  
14 expands eligibility for the supplementary weighting plan for  
15 district-to-community college sharing and concurrent enrollment  
16 programs to allow a school district that collaborates with  
17 a community college for a college-level class that uses an  
18 activities-based, project-based, and problem-based learning  
19 approach and that is offered through a partnership with a  
20 nationally recognized provider of rigorous and innovative  
21 science, technology, engineering, and mathematics curriculum  
22 for schools, which provider is exempt from taxation under  
23 section 501(c)(3) of the Internal Revenue Code, to qualify  
24 to receive additional weighting for students enrolled in the  
25 class.

26 DIVISION X — TRANSFER OF LICENSING DUTIES. The bill repeals  
27 Code chapter 272, which establishes the board of educational  
28 examiners, and moves the majority of the responsibilities of  
29 the board and its executive director to the state board of  
30 education and the director of the department of education.  
31 The department is charged with carrying out programs and  
32 policies as determined by the state board, and the duties  
33 and responsibilities of the department as set forth by the  
34 director. The board of educational examiners is created to  
35 hear appeals regarding application, renewal, suspension,

1 or revocation of a license, certificate, authorization, or  
2 statement of recognition.

3 The bill provides for the authorization of individuals  
4 to act as school administration managers who successfully  
5 complete training and meet board standards in order to assist  
6 school principals in performing noninstructional duties. The  
7 bill requires the department to establish voluntary statewide  
8 training programs for such individuals.

9 The bill requires the state board to provide alternative  
10 pathways to the initial teacher license and initial  
11 administrator license and endorsement by rule. The rules  
12 shall prescribe standards and procedures for the approval  
13 of alternative principal licensing programs which may be  
14 offered in this state by designated agencies located within or  
15 outside this state. The bill also establishes requirements  
16 for applicants to the programs, and requires that persons  
17 who utilize the alternative pathways to licensure must be  
18 supervised and mentored by experienced practitioners.

19 The bill also requires the state board to adopt rules  
20 requiring all higher education institutions providing  
21 practitioner preparation to require any candidate for  
22 admission to the program to have graduated with a cumulative  
23 postsecondary grade point average of at least three on a  
24 four-point scale, or its equivalent; and to base successful  
25 completion of the program on successful completion of Praxis  
26 II examinations. The bill also increases the required number  
27 of weeks for the student teaching experience from 12 to 15,  
28 and reduces the duration of time during which a practitioner  
29 preparation program faculty member must be involved in a  
30 specified number of hours of team teaching activities from five  
31 years to two years.

32 The bill includes transitional provisions relating to the  
33 transfer of employees from the board to the department, to  
34 license and contract validity, transfer of funds, enforcement  
35 actions, and membership on the initial board of educational

1 examiners created within the department.

2 The bill includes a number of conforming amendments.

3 DIVISION XI — SCHOOL INSTRUCTIONAL TIME TASK FORCE. The  
4 bill charges the director of the department of education with  
5 appointing a school instructional time task force to conduct a  
6 study regarding the minimum requirements of the school day and  
7 the school year.

8 The school instructional time task force shall be comprised  
9 of at least seven members who shall, at a minimum, examine  
10 whether the minimum length of an instructional day should  
11 be extended and if so for whom, whether the minimum number  
12 of instructional days or hours in a school year should be  
13 increased and if so for whom, whether the minimum number of  
14 instructional days or hours should be rearranged for purposes  
15 of summer or other breaks in the school year, whether the  
16 minimum school year should be defined by a number of days or  
17 by a number of instructional hours, whether there should be a  
18 uniform, statewide start date for the school year, and whether  
19 resources necessary to extend the minimum instructional day  
20 or the minimum school year are justified when compared to  
21 competing education priorities. The task force shall submit  
22 its findings and recommendations in a report to the state board  
23 of education, the governor, and the general assembly by October  
24 15, 2012.

25 DIVISION XII — ASSESSMENTS. The bill relates to  
26 assessments for children prekindergarten through grade 11 and  
27 requires the department of education to establish and implement  
28 a value-added assessment system.

29 The bill replaces, in language directing the state board  
30 of education to adopt rules requiring that school districts  
31 and accredited nonpublic schools submit a comprehensive  
32 school improvement plan and report to the department and local  
33 communities, references to local education standards and  
34 achievement progress with references to statewide standards  
35 and assessment measures and eliminates reporting requirements

1 related to locally established student learning goals.

2 Further, the rules adopted by the state board incorporating  
3 accountability for, and reporting of, student achievement  
4 into the standards and accreditation process must provide,  
5 by July 1, 2014, for the establishment by the department of  
6 an accountability system designed to hold school districts  
7 and accredited nonpublic schools accountable for student  
8 achievement. The accountability system must, at a minimum,  
9 define and measure student achievement, student growth,  
10 student achievement gaps, college and career readiness,  
11 student well-being, parent satisfaction, school staff working  
12 conditions, school fiscal responsibility, and graduation and  
13 attendance rates.

14 The state board must also adopt, by July 1, 2014, a policy  
15 for how school districts shall incorporate end-of-course  
16 assessments into their graduation requirements. The director  
17 of the department must, by July 1, 2014, develop high school  
18 end-of-course assessments for core content standards subject  
19 areas, which the school districts must administer as an  
20 integral component of such courses.

21 In addition, the director may at the director's discretion,  
22 or shall as directed by the state board, convene a working  
23 group to develop recommendations for the accountability  
24 system or redesign of accreditation procedures; a compliance  
25 monitoring process aligned with the accountability system;  
26 targeting support for school districts identified as  
27 needing assistance; identifying, studying, and commending  
28 high-performing districts; and developing takeover strategies  
29 for school districts deemed persistently failing to meet  
30 educational system or student achievement standards.

31 The rules the state board adopts establishing high school  
32 graduation requirements shall also require administration of  
33 a college entrance examination. The bill requires school  
34 districts and accredited nonpublic schools to administer  
35 to each student enrolled in grade 11 the college entrance

1 examination to assess English, reading, mathematics, and  
2 science. Each school district and nonpublic school must  
3 offer to any student enrolled in grade 11 a career readiness  
4 assessment to assess reading for information, locating  
5 information, and applied mathematics.

6 The cost of the college entrance examination shall be paid by  
7 the department of education if funds are made available to the  
8 department for such purpose; the cost of the career readiness  
9 assessments shall be paid by the department if funds are  
10 available to the department for that purpose; and the costs of  
11 any additional college entrance examinations taken by a student  
12 shall be the responsibility of the student. If funds are  
13 available to the department for such purpose, the department  
14 shall make a preparation program available to all students  
15 in grade 11, and may contract for the necessary assessment  
16 services.

17 A student whose scores on the college entrance examination  
18 indicate a high degree of college readiness shall be counseled  
19 by the school district or school to enroll in accelerated  
20 courses, with an emphasis on advanced placement classes. A  
21 student whose scores on the career readiness assessments  
22 indicate that additional assistance is required in reading  
23 for information, locating information, or applied mathematics  
24 shall be provided intervention strategies for accelerated  
25 learning by the school district or school. The bill provides  
26 for accommodations for students with disabilities and students  
27 requiring special education under Code chapter 256B. The  
28 bill requires a student's scores on the college entrance  
29 examinations to be recorded by the school district or school in  
30 the student's official education record.

31 The bill eliminates from the core content requirements  
32 language relating to locally developed content standards.

33 The bill tasks the director of the department of education  
34 with requiring, every three years, a random sampling of  
35 students to take the international programme for international

1 student assessment.

2 The bill requires the department of education to establish  
3 and implement a value-added assessment system not later than  
4 January 31, 2013, to provide for multivariate longitudinal  
5 analysis of annual student test scores to determine the  
6 influence of a school district's educational program on student  
7 academic growth and to guide school district improvement  
8 efforts. The department of education is directed to select a  
9 value-added assessment system provider, based on criteria set  
10 forth in the bill, through a request for proposals process.  
11 School districts are required to use the system not later than  
12 the 2013-2014 school year, but may request from the district's  
13 area education agency authorization to use an alternative  
14 system.

15 The bill defines "value-added assessment" to mean a method  
16 of measuring gains in student achievement by conducting a  
17 statistical analysis of achievement data that reveals academic  
18 growth over time for students and groups of students, such as  
19 those in a grade level or in a school.

20 The system provider must create a mechanism to collect and  
21 evaluate data in a manner that reliably aligns the performance  
22 of the teacher with the achievement levels and progress  
23 of the teacher's students. School districts must report  
24 teacher-to-student alignment data to the system provider as  
25 directed by the department.

26 The system provider must provide analysis to each school  
27 district and the department of education, and must also chart  
28 data, using criteria set forth in the bill, for each school  
29 district.

30 A school district must have complete access to and full  
31 utilization of its own value-added assessment reports and  
32 charts. Where student outcomes measures are available,  
33 for tested subjects and grades, student outcomes measures  
34 may be considered by the district to validate observational  
35 evaluations. Such measures which are a component of a

1 teacher's evaluation are not a public record.

2 School districts shall use the student academic growth  
3 data for defining student and district learning goals and  
4 professional development related to student learning goals  
5 across the school district.

6 The department shall use the data to determine school  
7 improvement and technical assistance needs of school districts  
8 and to identify school districts achieving exceptional gains.  
9 The department is directed to submit an annual progress report  
10 regarding the use of student academic growth information in the  
11 school improvement processes to the house and senate education  
12 committees and must publish the progress report on its internet  
13 site.

14 The bill also requires each school district to administer a  
15 kindergarten readiness assessment prescribed by the department  
16 to every resident prekindergarten or four-year-old child whose  
17 parent or guardian enrolls the child in the district. The  
18 school districts must also administer the Iowa assessments to  
19 grade 10 students in the 2012-13 and 2013-14 school years.

20 DIVISION XIII — NATIONAL BOARD FOR PROFESSIONAL TEACHING  
21 STANDARDS AWARDS. The bill eliminates the end dates for  
22 the national board for professional teaching standards  
23 certification one-time reimbursement awards and the annual  
24 awards. The term of eligibility for the annual award is 10  
25 years or for the years in which the individual maintains a  
26 valid certificate, whichever time period is shorter.

27 DIVISION XIV — EDUCATOR EMPLOYMENT AND PROFESSIONAL  
28 DEVELOPMENT MATTERS. The bill relates to teacher performance,  
29 compensation, and career development, professional development  
30 for practitioners and state funds for professional development,  
31 and to probationary periods and due process for teachers and  
32 administrators.

33 PROFESSIONAL DEVELOPMENT AND TEACHER EVALUATION. The state  
34 board of education is directed to adopt rules providing for  
35 the establishment of a statewide plan for the professional

1 development of practitioners employed in Iowa's school  
2 districts. The statewide plan shall be implemented by the area  
3 education agencies (AEAs), each of which must submit annually  
4 to the department of education a plan for a professional  
5 development program for the following fiscal year. The program  
6 developed by the AEA must combine the professional development  
7 priorities of the state board with the professional development  
8 needs of the schools and school districts in the area. The  
9 director of the department must approve, amend and approve, or  
10 reject each AEA plan. The director may grant a waiver to a  
11 school district exempting the school district from utilizing  
12 the AEA plan if the director determines that the school  
13 district's plan achieves the goals of the statewide plan.

14 The department is tasked with implementing the statewide  
15 plan for professional development established by the state  
16 board. A school district is required to utilize the area  
17 professional development plan approved by the director unless  
18 it is granted a waiver by the director.

19 The department of management is directed to annually reduce  
20 the distributions from the amounts generated by the total  
21 professional development supplement district cost and the total  
22 area education agency professional development supplement  
23 district cost to each school district and AEA by 10 percent.  
24 The school district spending authority is also reduced by 10  
25 percent. An amount equivalent to the amount of the reduction  
26 is appropriated to the department for purposes of implementing  
27 the statewide plan for the professional development of  
28 practitioners.

29 The director is authorized to waive requirements relating  
30 to the development and review of an individual teacher  
31 professional development plan for a school district that  
32 utilizes a peer review teacher evaluation system in which  
33 consulting teachers, in conjunction with school administrators,  
34 make formal evaluations of the school district's teachers,  
35 including but not limited to each teacher's professional growth

1 and employment status.

2 PROBATIONARY PERIODS AND DUE PROCESS. The bill authorizes  
3 school boards, which by a majority vote institute a reduction  
4 in force, to not renew a teacher's contract based on teacher  
5 evaluations, licensure and endorsements, the needs of the  
6 schools and students, and, under certain circumstances, hiring  
7 dates. The bill repeals a Code provision authorizing teachers  
8 and administrators to appeal adjudicator and administrative  
9 law judge decisions regarding employment to the district  
10 court. The administrative law judge to whom an administrator  
11 may currently appeal a school board decision is replaced by  
12 an adjudicator. Currently, the administrative law judge is  
13 jointly selected by the board and the administrator from a  
14 list of five individuals submitted by the board of educational  
15 examiners; under the bill, the public employee relations board  
16 submits the list. The bill makes a number of conforming  
17 changes. Community college and AEA instructors, teachers, and  
18 administrators are considered teachers and administrators for  
19 purposes of the statutory requirements relating to teacher and  
20 administrator employment and are therefore also affected by  
21 these changes.

22 The bill strikes language that permits an adjudicator  
23 to reverse, modify, or grant any appropriate relief from  
24 the board action if substantial rights of the teacher have  
25 been prejudiced because the board action is unsupported by a  
26 preponderance of the competent evidence in the record made  
27 before the board when that record is viewed as a whole. The  
28 adjudicator's decision becomes the final and binding decision  
29 of the school board. In the case of administrators, language  
30 is also eliminated that allowed the administrator to file a  
31 written notice of appeal of the proposed adjudicator's decision  
32 and which allowed the school board to review the proposed  
33 adjudicator's decision on its own motion.

34 The bill reduces considerably the adjudicator process  
35 timelines for teachers and administrators.

1 For beginning teachers hired on or after July 1, 2012, the  
2 probationary period for a beginning teacher is extended from  
3 three years, with a potential for a one-year extension, to  
4 five years, with a potential for a one-year extension; and the  
5 option for the probationary teacher to appeal a board decision  
6 to an adjudicator and to the district court is eliminated.

7 Under the current Code, nonprobationary teachers are exempt  
8 from this provision, but under the bill if a teacher does  
9 not successfully complete an intensive assistance program  
10 as required, a school board may place the teacher back on  
11 probationary status for the school year following the year in  
12 which the teacher participated in the intensive assistance  
13 program.

14 DIVISION XV — CHARTER SCHOOL CHANGES. The bill rewrites  
15 the majority of Iowa's charter school legislation. The purpose  
16 of the charter school legislation remains the same, as do most  
17 of the general operating requirements, but the bill eliminates  
18 references to innovation zone schools and broadens the list of  
19 entities eligible to submit applications to establish charter  
20 schools. However, the bill provides that a charter school  
21 or innovation zone school established prior to July 1, 2012,  
22 shall continue to be governed by chapter 256F, Code and Code  
23 Supplement 2011, until the term of the contract entered into  
24 pursuant to section 256F.6, Code 2011, ends.

25 ELIGIBLE ENTITIES. Eligible entities under the bill  
26 include the following: school districts, area education  
27 agencies, community colleges, regents universities, nonprofit  
28 private postsecondary institutions, cities and counties  
29 with populations of more than 100,000, and nonsectarian,  
30 nonreligious, tax-exempt charitable organizations; or  
31 consortiums of some of the eligible entities.

32 CONVERSION OF AN EXISTING SCHOOL. The bill continues to  
33 provide that the conversion of an existing school district  
34 attendance center must be supported by at least 50 percent  
35 of the school's teachers and 50 percent of the parents whose

1 children attend the school.

2 The bill states that the legislation shall not be construed  
3 as a means to keep open a school that a school board decides  
4 to close, but a school board may endorse or authorize the  
5 establishing of a charter school to replace the school the  
6 board decides to close. Applicants seeking a charter under  
7 this circumstance must demonstrate and document that the  
8 charter sought is substantially different in purpose and  
9 program from the school the board closes.

10 DUTIES OF THE DEPARTMENT. The department of education  
11 is tasked with developing and implementing an orientation  
12 program for operators that covers accountability requirements,  
13 reporting requirements, and finance. An operator is an entity  
14 whose application to charter a school has been approved by  
15 the state board. An operator must successfully complete the  
16 orientation program prior to chartering a school. If the  
17 operator does not successfully complete the orientation program  
18 in the time specified by the department, the state board  
19 shall reevaluate the operator's application and may deny the  
20 application.

21 The department must also develop and implement or approve  
22 orientation programs for members of the boards of directors  
23 of charter schools, including but not limited to orientation  
24 on the charter school board's role and responsibilities,  
25 employment policies and practices, and financial management.  
26 Board members must attend ongoing orientation throughout the  
27 member's term.

28 The department shall monitor and evaluate the fiscal,  
29 operational, and student performance of the charter school  
30 annually, and may for this purpose annually collect from a  
31 charter school a reasonable fee established by rule by the  
32 state board based on the number of students who are enrolled in  
33 the charter school. The fee structure shall be stated in the  
34 charter school contract. Every fifth year in which a charter  
35 school is in operation, and before the state board considers

1 renewing a charter school's contract, the department must  
2 provide to the state board and to the charter school board a  
3 formal written review of the annual evaluations conducted.

4 OPERATING REQUIREMENTS. New operating requirements  
5 include those requiring that charter schools comply with  
6 statutes relating to the suspension or expulsion of a student,  
7 procedures for handling child abuse, procedures for reporting  
8 weapons and drug or alcohol possession or use, and harassment  
9 and bullying prohibitions and requirements; comply with  
10 statutes and rules relating to student records and school  
11 meal programs; submit data for purposes of the department's  
12 comprehensive management information system; and comply with  
13 statewide accountability requirements governing high school  
14 graduation requirements, the core curriculum, core content  
15 standards, and assessments. Suspension or expulsion decisions  
16 may be appealed to the state board of education. However,  
17 under the bill a charter school no longer must be subject to or  
18 comply with Code chapter 279, relating to teacher contracts and  
19 discharge of teachers or administrators; or meet the 180-day  
20 school year requirement or its equivalent in hours; or provide  
21 school bus transportation to nonpublic school and nonresident  
22 students.

23 HOME SCHOOL PROHIBITION. The bill prohibits use of a charter  
24 school as a method of providing education to or generating  
25 revenue for students who are receiving competent private  
26 instruction.

27 PRIMARY FOCUS. The primary focus of a charter school shall  
28 be to provide a comprehensive program of instruction for at  
29 least one grade or age group from 5-21 years of age.

30 CHARTER SCHOOL APPLICATION. An application to operate a  
31 charter school must include a business plan that documents the  
32 proposed charter school's mission statement, school purposes,  
33 program design, graduation plan, financial plan, governance  
34 and management structure, and background and experience of  
35 the applicants and the initial board and instructional staff,

1 plus any other information the state board requests; provide  
2 a statement of assurances of legal compliance prescribed by  
3 the state board; provide a statement of support or nonsupport  
4 from the school district in which the charter school would  
5 be located, a statement of community support and need,  
6 and how special education and English as a second language  
7 programs will be made available and financed; demonstrate  
8 the applicant's ability to implement the procedures and  
9 satisfy the criteria for chartering a school; and describe the  
10 measures that will be implemented to provide for oversight  
11 of the charter school's academic, financial, and operational  
12 performance, and ensure compliance with the terms of any  
13 written contract entered into by the charter school board and  
14 the state board. An applicant must file a separate application  
15 for each school the applicant intends to charter.

16 The bill sets forth provisions specifying timelines  
17 and requirements for the approval or disapproval of an  
18 application. Only the state board is authorized to approve  
19 an application. The state board is directed to establish  
20 criteria for application approval that at a minimum considers  
21 the available capacity and infrastructure identified in the  
22 plan, the contracting process specified in the plan, ongoing  
23 oversight and evaluation processes relating to administration  
24 and staffing, and charter school contract and contract renewal  
25 criteria and processes.

26 The approval of an application and renewal of a charter by  
27 the state board shall not be conditioned upon the bargaining  
28 unit status of the employees of the school. Employees of  
29 the board of directors of a charter school may, if otherwise  
30 eligible, organize under Code chapter 20 and comply with its  
31 provisions. The board of directors of a charter school is  
32 a public employer, for the purposes of Code chapter 20, upon  
33 formation of one or more bargaining units at the school.

34 OPERATOR OF CHARTER SCHOOL. An operator who successfully  
35 completes the department's orientation program shall, before

1 entering into a contract or other agreement for professional  
2 or other services, goods, or facilities, incorporate as a  
3 nonprofit corporation and shall establish an initial board of  
4 directors composed of at least five voting members, who are not  
5 related parties, until a timely election for members of the  
6 ongoing charter school board of directors is held according to  
7 the school's articles and bylaws.

8 CHARTER SCHOOL BOARD. Ongoing board members must be elected  
9 before the school completes its third year of operation. The  
10 articles and bylaws shall include clear policies regarding  
11 conflicts of interests and standards of responsibility. Staff  
12 members employed at the school and all parents or guardians  
13 of children enrolled in the school are the voters eligible to  
14 elect charter school board members.

15 The charter school board of directors shall be composed  
16 of at least one licensed teacher employed at the school, at  
17 least one parent or legal guardian of a student enrolled in  
18 the charter school who is not an employee of the charter  
19 school, and at least one interested community member who is  
20 not employed by the charter school and does not have a child  
21 enrolled in the school. The majority of board members may be  
22 teachers. Contractors providing facilities, goods, or services  
23 to a charter school shall not serve on the charter school board  
24 except that contracts involving no more than \$2,500 do not  
25 exclude a contractor from board membership.

26 EXPANSION TO ADDITIONAL SITES OR GRADES. The state board  
27 may permit the charter school board to expand the operation of  
28 the charter school to additional sites or to add additional  
29 grades at the school beyond those described in the operator's  
30 approved application only after submitting to the state board a  
31 supplemental affidavit that includes a proposed expansion plan  
32 that demonstrates need and projected enrollment; documentation  
33 that the expansion is warranted, at a minimum, by longitudinal  
34 data demonstrating students' improved academic performance and  
35 growth on student assessments; documentation that the charter

1 school is financially sound and the financing it needs to  
2 implement the proposed expansion exists; and documentation that  
3 the charter school has the governance structure and management  
4 capacity to carry out its expansion.

5 OPEN MEETINGS AND RECORDS. The charter school board is a  
6 government or governmental body for purposes of Iowa's open  
7 meetings and records laws.

8 AUDIT REQUIREMENTS. As under current law, the charter  
9 school must comply with the same statutory audit requirements  
10 as a school district. In addition, the charter school must  
11 annually submit an audit report to the state board by December  
12 31 and include a copy of all charter school agreements for  
13 corporate management services. If the audit report finds  
14 that a material weakness exists in the school's financial  
15 reporting systems, the school shall submit a written report to  
16 the state board explaining how the material weakness will be  
17 resolved, and the school's auditor must agree to make available  
18 information about the audit to the state board upon request.

19 FUNDING. A student enrolled in a charter school shall  
20 be counted, for state school foundation aid purposes, in the  
21 pupil's district of residence. The district of residence shall  
22 pay to the charter school the state cost per pupil for the  
23 previous school year and the combined district cost per pupil,  
24 the teacher salary supplement, the professional development  
25 supplement, and the early intervention supplement, plus any  
26 moneys received for the student as a result of the non-English  
27 speaking weighting for the previous school year multiplied  
28 by the state cost per pupil for the previous year. Other  
29 per pupil moneys may also be payable to a charter school in  
30 accordance with the charter school's approved application.

31 ADMISSION REQUIREMENTS. A charter school may limit  
32 admission to the following: students within an age group or  
33 grade level, students who are either at risk of dropping out or  
34 have dropped out, and residents of a specific geographic area  
35 in which the school is located when the majority of students

1 served by the school are eligible for free and reduced price  
2 meals under federal guidelines. A charter school shall enroll  
3 an eligible student who submits a timely application, unless  
4 the number of applications exceeds the capacity of a program,  
5 class, grade level, or building. In such case, students shall  
6 be accepted by lot. A charter school shall give enrollment  
7 preference to a sibling of an enrolled student and to a foster  
8 child of that student's parents and may give preference for  
9 enrolling children of the school's staff before accepting other  
10 students by lot. A charter school shall not limit admission  
11 to students on the basis of intellectual ability, measures  
12 of achievement or aptitude, or athletic ability and may not  
13 establish any criteria or requirements for admission that are  
14 inconsistent with this Code section. The charter school shall  
15 not distribute any services or goods of value to students,  
16 parents, or guardians as an inducement, term, or condition of  
17 enrolling a student in a charter school.

18 STAFFING REQUIREMENTS AND QUALIFICATIONS. A charter school  
19 shall employ or contract with necessary licensed teachers  
20 who hold endorsements to perform the particular service for  
21 which they are employed in the school. The school may employ  
22 necessary employees who are not required to hold teaching  
23 licenses to perform duties other than teaching and may contract  
24 for other services.

25 LEASE OF SPACE AND FACILITY CONSTRUCTION. A charter  
26 school may lease space from a school district or other public  
27 organization; a private, nonprofit nonsectarian organization;  
28 a private property owner; or a sectarian organization if the  
29 leased space is constructed as a school facility.

30 A charter school may organize an affiliated nonprofit  
31 building corporation to renovate or purchase an existing  
32 facility to serve as a school or to construct a new school  
33 facility. The bill sets forth requirements for such a  
34 corporation.

35 RETIREMENT SYSTEMS. Teachers in a charter school are public

1 school teachers and charter schools are employers for the  
2 purposes of Iowa public employees' retirement system.

3 CONTRACT RENEWAL OR NONRENEWAL. The state board may or  
4 may not renew a charter school contract at the end of the  
5 contract term, and may unilaterally terminate a contract during  
6 the term of the contract, for any of the following grounds:  
7 failure to meet the requirements for student performance  
8 contained in the contract, failure to meet generally accepted  
9 standards of fiscal management, violations of law, and other  
10 good cause shown, including but not limited to the existence  
11 of one or more other grounds for revocation as specified in  
12 the contract. The bill specifies the procedures for not  
13 renewing or terminating a contract. The state board, after  
14 providing reasonable notice to the charter school board, and  
15 after providing an opportunity for a public hearing, may  
16 terminate the existing contract with the charter school board  
17 if the charter school has a history of failure to meet student  
18 performance requirements consistent with state law, financial  
19 mismanagement or failure to meet generally accepted standards  
20 of fiscal management, or violations of the law.

21 If a contract is not renewed or is terminated, a student  
22 who attended the charter school may enroll in the district of  
23 residence or may submit an open enrollment application to a  
24 nonresident district. The charter school shall transfer the  
25 student's educational records to the student's new school of  
26 enrollment.

27 LEGAL AUTHORITY. The board of directors of a charter school  
28 may sue and be sued, the charter school shall not levy taxes  
29 or issue bonds, and a charter school is a municipality for  
30 purposes of tort liability of governmental subdivisions.

31 DIVISION XVI — THIRD GRADE LITERACY. The bill provides for  
32 early grade student assessments for reading deficiencies and  
33 parental notification of reading deficiencies, and retention  
34 for such deficiencies at grade three for students who do not  
35 demonstrate an acceptable level of performance on reading

1 standardized or alternative assessments.

2 The bill requires the state board of education to adopt  
3 guidelines by July 1, 2013, for implementation of the new  
4 Code provision established by the bill relating to student  
5 progression, retention, and remedial instruction, including  
6 but not limited to basic levels of reading proficiency  
7 on approved assessments and identification of tools that  
8 school districts may use in evaluating and reevaluating any  
9 student who may be or who is determined to be deficient in  
10 reading, including but not limited to initial assessments and  
11 subsequent assessments, alternative assessments, and portfolio  
12 reviews. The state board must adopt standards that provide a  
13 reasonable expectation that a student's progress toward reading  
14 proficiency is sufficient to master appropriate grade four  
15 level reading skills prior to the student's promotion to grade  
16 four.

17 The director of the department of education is required to  
18 identify the scoring levels on approved grade three reading  
19 assessments that will trigger the retention of a student; to  
20 develop or identify and approve alternative but equivalent  
21 qualifying performance measures for students who are not  
22 proficient in reading, such as a demonstration of reading  
23 mastery evidenced by portfolios of student work; and to  
24 establish, subject to an appropriation of state funds, an Iowa  
25 reading research center for the application of current research  
26 on literacy.

27 School districts must provide intensive reading instruction  
28 to students who exhibit a substantial deficiency in reading,  
29 based upon locally determined or statewide assessments  
30 conducted in kindergarten or grade one, grade two, or grade  
31 three, or through teacher observations. The student's reading  
32 proficiency shall be reassessed following the intensive reading  
33 instruction. The student shall continue to be provided with  
34 intensive reading instruction until the reading deficiency is  
35 remedied.

1 School districts must notify at least annually, in writing,  
2 the parent or guardian of a student who exhibits a substantial  
3 deficiency in reading, the district's determination that  
4 the child is deficient in reading, descriptions of the  
5 services currently provided to the child and of the proposed  
6 supplemental instructional services and supports that the  
7 school district will provide to the child to remediate the  
8 deficiency; that if the child's reading deficiency is not  
9 remediated by the end of grade three, the child will be  
10 retained unless exempt from mandatory retention for good cause;  
11 strategies for parents and guardians to use in helping the  
12 child succeed in reading proficiency; that the assessment  
13 is not the sole determiner of promotion and that additional  
14 evaluations, portfolio reviews, performance measures, and  
15 assessments are available to assist parents and the school  
16 district in knowing when a child is reading at or above grade  
17 level and ready for promotion; and the district's specific  
18 criteria and policies for midyear promotion. "Midyear  
19 promotion", under the bill, means promotion of a retained  
20 student to the next grade level at any time during the year of  
21 retention once the student has demonstrated ability to read at  
22 grade level.

23 The bill does not preclude the parent or guardian of a  
24 student with a reading deficiency from requesting that the  
25 student be retained at grade level.

26 If a student's reading deficiency is not remedied by the  
27 end of grade three, the student shall be retained in grade  
28 three. The school district can exempt students from mandatory  
29 retention for good cause, which under the bill includes  
30 limited English proficient students; students requiring special  
31 education; students who demonstrate an acceptable level of  
32 performance on an approved alternative performance measure;  
33 students who demonstrate mastery through a student portfolio;  
34 and students who have received intensive remediation in reading  
35 for two or more years.

1 Intensive reading instruction for students promoted under  
2 good cause must include an altered instructional day that  
3 includes specialized diagnostic information and specific  
4 reading strategies for each student, and the school district  
5 must assist attendance centers and teachers to implement  
6 reading strategies.

7 If a student demonstrates acceptable performance through  
8 an alternative assessment or student portfolio, the student's  
9 teacher must document the teacher's recommendation for  
10 promotion to the school principal, and if the principal agrees,  
11 the principal must make a recommendation to the district  
12 superintendent. A parent or guardian may appeal the decision  
13 of the superintendent to the school board, but the school  
14 board's decision is final.

15 Each school district shall conduct a review of student  
16 progress for any student retained who did not meet the  
17 criteria for a good cause exemption. The review shall address  
18 additional supports and services needed to remediate the  
19 identified areas of reading deficiency. The school district  
20 shall require a student portfolio to be completed for each such  
21 student.

22 The intensive supports that a school district must provide  
23 free of charge include a minimum of a 90-minute block of  
24 scientific-research-based reading instruction and other  
25 strategies which may include but are not limited to small group  
26 instruction; reduced teacher-student ratios; more frequent  
27 progress monitoring; tutoring or mentoring; transition classes  
28 containing students in grades three and four; extended school  
29 day, week, or year; and summer reading programs.

30 At regular intervals, the school district shall provide  
31 a report to the parent or guardian apprising the parent or  
32 guardian of academic and other progress being made by the  
33 student and giving other useful information.

34 The school district shall implement a policy for the midyear  
35 promotion of a student who can demonstrate that the student is

1 a successful and independent reader, reading at or above grade  
2 level, and ready to be promoted to grade four.

3 In addition to required reading enhancement and acceleration  
4 strategies, school districts must provide parents and guardians  
5 of retained students with instructional options such as a plan  
6 outlined in a parental contract, including participation in  
7 regular parent-guided home reading.

8 School districts, using early intervention moneys received  
9 from the state, must also establish a reading enhancement  
10 and acceleration development initiative designed to prevent  
11 the retention of grade three students and to offer intensive  
12 accelerated reading instruction to grade three students  
13 who fail to meet standards for promotion to grade four and  
14 to each kindergarten through grade three student who is  
15 assessed as exhibiting a reading deficiency. The bill amends  
16 Code section 256D.2A to authorize use of the state early  
17 intervention moneys on such initiatives. The initiative shall  
18 be provided to all kindergarten through grade three students  
19 at risk of retention, and shall measure phonemic awareness,  
20 phonics, fluency, vocabulary, and comprehension; be provided  
21 during regular school hours in addition to regular reading  
22 instruction; and provide a reading curriculum that meets the  
23 state board's guidelines and, at a minimum, assists students  
24 in developing the ability to read at grade level; provides  
25 skill development in phonemic awareness, phonics, fluency,  
26 vocabulary, and comprehension; includes scientifically based  
27 and reliable assessment; and provides initial and ongoing  
28 analysis of each student's reading progress; is implemented  
29 during regular school hours; and provides a curriculum in core  
30 academic subjects to assist the student in maintaining or  
31 meeting proficiency levels for the appropriate grade in all  
32 academic subjects.

33 Each school district shall report to the department  
34 the specific intensive reading interventions and supports  
35 implemented by the school district, and shall report on the

1 number of students retained under the provisions of the bill.

2 Finally, each school district shall provide a retained  
3 student who has received intensive instructional services but  
4 is still not ready for grade promotion the option of being  
5 placed in a transitional instructional setting specifically  
6 designed to produce learning gains sufficient to meet grade  
7 four performance standards while continuing to remediate the  
8 areas of reading deficiency.

9 DIVISION XVII — STATE MANDATE. The bill may include a state  
10 mandate as defined in Code section 25B.3. The bill requires  
11 that the state cost of any state mandate included in the bill  
12 be paid by a school district from state school foundation aid  
13 received by the school district under Code section 257.16. The  
14 specification is deemed to constitute state compliance with  
15 any state mandate funding-related requirements of Code section  
16 25B.2.